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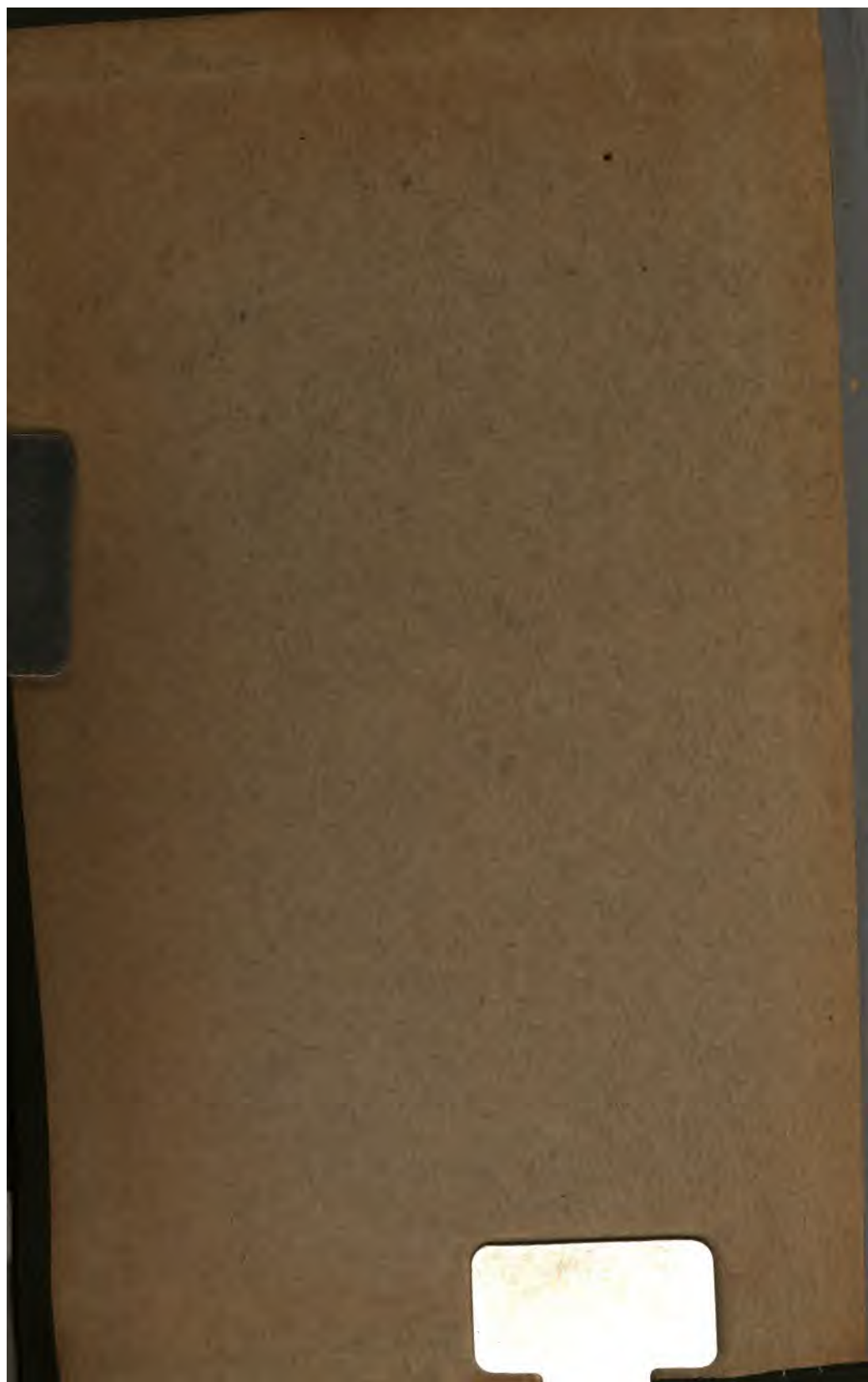
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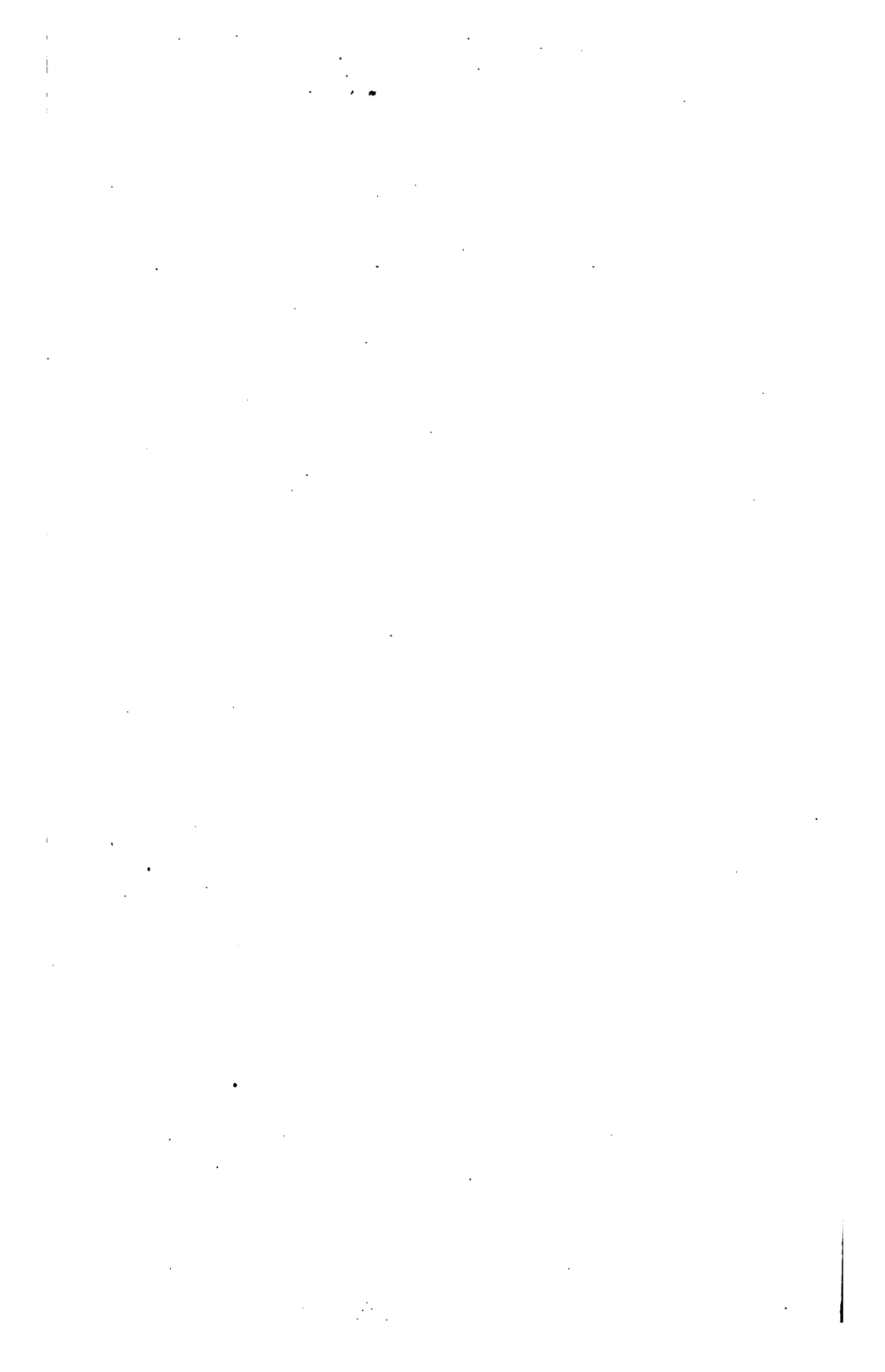
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MANUAL

OF THE

BOARD OF EDUCATION

OF THE

CITY OF NEW YORK

1904

SECTIONS OF THE BY-LAWS TO BE RENUMBERED AS PER RESOLUTION ADOPTED JANUARY 27, 1904

Section 79*a* to be renumbered as Section 80, and Sections 80 to 111, including Sections 99*a*, 99*b*, 99*c*, 99*d*, 100*a*, 100*b*, 100*c*, 100*d*, 100*e*, 101*a*, 101*b*, 101*c*, 101*d*, 101*e*, to be renumbered as Sections 81 to 126, inclusive.

New York City; Education Department

BY-LAWS
OF THE

BOARD OF EDUCATION
OF
THE CITY OF NEW YORK
AND
CHARTER PROVISIONS AND OTHER STATUTES
RELATING TO THE
DEPARTMENT OF EDUCATION

NEW YORK
1904

NEW YORK
BOROUGH OF MANHATTAN
PARK AVENUE AND FIFTY-NINTH STREET
FEBRUARY, 1904

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BY-LAWS OF THE BOARD OF EDUCATION OF THE CITY OF NEW YORK

INCLUDING ALL AMENDMENTS TO JANUARY 27, 1904

MEETINGS

MEETINGS—WHERE HELD

SECTION 1. All meetings of the Board of Education shall be held at the Hall of the Board, corner of Park avenue and Fifty-ninth street.

STATED MEETINGS—WHEN HELD

SEC. 2. Stated meetings shall be held on the first Monday in February, the first Monday after the first Tuesday in July, and the fourth Wednesday in every month except July and August. Should the day so fixed be a holiday, the meeting shall be held on the day following. An adjourned stated meeting shall be deemed, for the transaction of all business, a stated meeting.

SPECIAL MEETINGS—HOW CALLED

SEC. 3. Special meetings shall be held on the call of the President or on the written request of ten members; provided, however, that notice of such meeting shall be given not less than twenty-four hours in advance, and shall state the special matter to be presented for consideration. No other matter shall be considered at such special meeting, except by the consent of two-thirds of the members present.

HOOR OF MEETING

SEC. 4. The hour of meeting shall be 4 o'clock in the afternoon, except when otherwise ordered by the Board. If a quorum be not present the meeting may be adjourned.

NUMBER NECESSARY TO FORM A QUORUM

SEC. 5. A majority of the whole number of the members of the Board shall be necessary to constitute a quorum.

OFFICERS

SEC. 6. The officers of the Board shall be as follows:

President.
Vice-President.
Secretary.
Assistant Secretary.
Superintendent of School Buildings.
Superintendent of School Supplies.
Auditor.
Chief Clerk.
City Superintendent of Schools.
Eight Associate City Superintendents.
Twenty-six District Superintendents.
Four Examiners.
Supervisor of Lectures.

TERMS OF SERVICE

SEC. 7. The official term of the President and Vice-President shall continue from the first Monday in February of each year until the first Monday in February of the succeeding year, and until their successors are chosen.

ELECTIONS

OFFICERS—HOW ELECTED

SEC. 8. All the officers of the Board shall be chosen by ballot. All elections by the Board shall be held at stated or special meetings by the vote of a majority of all the members of the Board.

SEC. 9. No election to fill a vacancy in any of the offices of the Board named in Section 6 shall be had at any meeting of the Board

unless notice shall have been given in the call for the meeting that such election will be moved. It shall be the duty of the Secretary to insert such notice in the call for the stated meeting next preceding the expiration of the term of any officer of the Board whose term is fixed by statute, by-law or resolution, or in the call for any stated meeting at the request of any member of the Board.

Nominations by the Board of Superintendents for the office of District Superintendent shall be referred to the Executive Committee, which shall report, with its recommendations, to the Board.

This by-law shall apply to all elections of officers, whether for an entire term, or to fill a vacancy, or to fill a new office, except that it shall not apply to the meeting to be held on the first Monday in February in each year.

REMOVALS FROM OFFICE

SEC. 10. No officer, clerk or subordinate shall be removed unless by a vote of three-fourths of all the members of the Board, for cause. Pending the trial of charges, any officer may be suspended by the vote of a majority of all the members of the Executive Committee, and any clerk or other subordinate may be suspended between the meetings of the Executive Committee by the President, except as otherwise provided in the Charter.

PRESIDENT AND VICE-PRESIDENT

SEC. 11. 1. The President shall be the chief executive officer of the Board, and shall be Chairman of the Executive Committee.

All Standing and Special Committees shall be appointed by the President unless otherwise ordered by the Board.

The President shall be, *ex officio*, a member of all Committees, and entitled to vote at all meetings of Committees.

He shall designate each member of the Board to be, *ex officio*, a member of one Local School Board.

2. The Vice-President shall preside at all meetings of the Board

in the absence of the President, and in the like absence shall perform such executive duties as may be authorized by resolution of the Board.

EXECUTIVE COMMITTEE

SEC. 12. There shall be an Executive Committee for the care, government and management of the public school system, to consist of fifteen members and the President of the Board, and to be known as the Executive Committee. Said Committee shall be elected in the month of February in the year 1902, and in each year thereafter in the month of July, in the same manner as officers of the Board. It shall meet on the third Wednesday in every month, and at such other times as said Committee may determine.

All reports and resolutions offered on behalf of Standing Committees shall be presented to the Executive Committee, unless otherwise expressly ordered by these by-laws or by the Board, and its action or recommendation thereon shall be reported to the Board. The minutes of the Executive Committee shall be printed and shall form part of the minutes of the Board of Education.

Final action may be taken by the Executive Committee on reports and resolutions relating to:

(1) Proceedings for the acquisition of sites for school purposes which have been selected and determined by the Board.

(2) The awarding of contracts for the erection of buildings authorized by the Board, and contracts for repairs, furniture, fuel, supplies and the delivery thereof, and transportation of pupils, when authority therefor shall have been granted by the Board.

(3) Plans for new school buildings, for additions to school buildings, and for structural changes in old buildings; also alterations in rooms in school buildings and the fitting up of the same.

(4) Leases of premises for the use of the Department of Education.

(5) The disposal of such personal property as shall no longer be required.

(6) The appointment, promotion and transfer of clerks and other employees, including attendance officers, janitors and cleaners, and recommendations as to the salaries of all clerks and subordinates.

(7) The suspension of any officer or employee of the Board, pending the trial of charges.

(8) The determination of any Local School Board upon charges made against a teacher, except in cases where the penalty imposed is dismissal.

(9) All matters relating to the establishment of lecture centres, the appointment of lecturers, inspectors, local superintendents, operators and other persons employed in the lecture system; also all matters connected with the library system.

The Board of Education may, by resolution, confer additional administrative powers upon the Executive Committee when deemed necessary to facilitate the transaction of business.

Said Committee shall report to the Board in December of each year a plan for apportioning the General School Fund among the various objects of expenditure included in said fund.

Nothing in this section contained shall be deemed to preclude the Board of Education from acting at any meeting upon any of the matters herein specified.

Reports adopted by the Executive Committee shall be signed by the Chairman, or in his absence by the Acting Chairman, and by the Secretary.

Chairmen of Standing Committees who are not members of the Executive Committee shall have seats in said Committee and the right to speak on all matters relating to their Committees.

STANDING COMMITTEES

Sec. 13. There shall be the following Standing Committees:

1. A Committee on Finance, to consist of five members.
2. A Committee on Buildings, to consist of nine members.
3. A Committee on Supplies, to consist of seven members.

4. A Committee on By-Laws and Legislation, to consist of five members.

5. A Committee on Sites, to consist of nine members.

6. A Committee on Elementary Schools, to consist of nine members.

7. A Committee on High Schools and Training Schools, to consist of nine members.

8. A Committee on Special Schools, to consist of seven members.

9. A Committee on Studies and Text-Books, to consist of five members.

10. A Committee on Lectures and Libraries, to consist of seven members.

11. A Committee on Care of Buildings, to consist of seven members.

12. An Executive Committee on the Nautical School, to consist of seven members.

The members of the Standing Committees shall be designated by the President within ten days after his election, and shall continue until their successors are appointed.

Three members of any Standing Committee shall constitute a quorum of such Committee.

The action of all Standing Committees shall be subject to the approval of the Board or of the Executive Committee.

REPORTS OF COMMITTEES

SEC. 14. Every report of a Standing Committee, if adopted by a majority of said Committee, shall be signed by the Chairman, or in his absence by the Acting Chairman, and by the Secretary; if adopted at a meeting attended by less than a majority of the members, a report must be signed by a majority of the Committee. Minutes of the proceedings of each Standing Committee shall be kept under the direction of the Secretary. In the intervals between meetings of the Board, any matters requiring consideration may

be referred to the appropriate Committee by the President or the Secretary.

COMMITTEE ON FINANCE

SEC. 15. 1. The Committee on Finance shall have charge of all matters relating to the accounts and financial administration of the Department of Education.

2. It shall prepare and submit to the Board in September of each year the departmental estimate required by law.

3. It shall have supervision of the office of the Auditor.

4. It shall administer the Public School Teachers' Retirement Fund.

No appropriation shall be made from any fund for any purpose until said Committee shall have first reported financial ability.

COMMITTEE ON BUILDINGS

SEC. 16. 1. The Committee on Buildings shall have charge of all matters relating to the erection, enlargement, alteration, or repairing of all school buildings and school premises, the fitting up and equipping thereof with all necessary sanitary, electric, heating and ventilating work, furniture and pianos, and shall determine the amounts to be expended therefor, subject to financial ability and the approval of the Executive Committee.

2. All reports or recommendations of the Local School Boards or of the Committee on High Schools and Training Schools touching the matters with which the Committee on Buildings is charged in subdivision 1 of this section shall be referred to said Committee for examination and action.

3. Whenever it is proposed to erect or enlarge a school building or hire or rehire any building or premises for school purposes, said Committee shall require from the City Superintendent a report in writing setting forth clearly his recommendation as to the advisability thereof.

4. Whenever it shall be necessary to advertise for proposals to

do any of the work with which said Committee is charged in subdivision 1 of this section, it shall so report to the Executive Committee, recommending that authority for said advertising for proposals be granted to the Superintendent of School Buildings, as provided by subdivision 1, Section 29.

5. Said Committee shall authorize the performance of work and make appropriations therefor, as provided by Section 30, subdivisions 2 to 6 inclusive, and cause a record thereof to be kept in its minutes.

6. It shall report to the Committee on Finance in July of each year an estimate of the amount required for alterations, repairs and maintenance of school buildings for the next calendar year and for the erection, enlarging and equipment of new school buildings.

7. It shall provide for the organization of such branches of the Bureau of Buildings as it may deem necessary, and shall adopt such rules and regulations as will secure prompt and efficient service for the planning and erection of new buildings for school purposes and for the alteration and repair of existing buildings.

8. It shall have supervision and control of the Superintendent and Deputy Superintendents of School Buildings, and of all other employees in the Bureau of Buildings, and shall make rules and regulations for the proper performance of their duties.

9. It shall appoint draughtsmen, inspectors and other assistants required in the Bureau of Buildings, whose salaries shall be paid from the various appropriations on account of which the work is being performed.

10. It shall divide and redivide the City, as often as it deems necessary, into districts which may be equal or unequal in size or in number of schools contained therein, and shall assign to one or more districts an inspector, who shall be an architect, builder, carpenter, mason or other building trade mechanic.

11. It shall investigate all charges or complaints against all employees of the Bureau of Buildings and shall forthwith report its conclusions to the Executive Committee.

12. It shall have charge of all school furniture, radiators, pianos,

or other school property no longer required in school buildings, and may direct such action as it may deem proper relating to the storage or disposition of such property.

COMMITTEE ON SUPPLIES

SEC. 17. 1. The Committee on Supplies shall have charge of all matters relating to the purchase of all books, apparatus, stationery, fuel, and other supplies, and the transportation of pupils. All supplies, as far as possible, shall be obtained by contract, made at public letting in the manner provided by law.

2. It shall appoint, subject to confirmation by the Executive Committee, all clerks and other employees of the Board whose appointment is not otherwise provided for, except that all employees of the Bureau of Buildings shall be first recommended by the Committee on Buildings and all employees of the Auditing Bureau shall be first recommended by the Committee on Finance.

COMMITTEE ON BY-LAWS AND LEGISLATION

SEC. 18. 1. The Committee on By-Laws and Legislation shall have charge of all matters relating to by-laws. To it shall be referred all legislation affecting the Department of Education. Every proposed amendment to the by-laws shall be referred to said Committee; and no amendment shall be adopted until reported by said Committee after such reference. All appeals on the part of any member of the supervising or teaching staff in reference to salary shall be referred to said Committee.

2. All requests for opinions from the Corporation Counsel shall be made through the President of the Board or the Committee on By-Laws and Legislation.

COMMITTEE ON SITES

SEC. 19. 1. The Committee on Sites shall have charge of all matters relating to sites. It shall consider every recommendation

made by any Local School Board or by the Committee on High Schools and Training Schools with regard to sites for school buildings or additions thereto, and shall select and recommend to the Board the acquisition of all sites that may be required for school purposes.

2. It shall report to the Board in January and July of each year the condition of all matters or proceedings relating to sites approved by the Board which are pending and not completed.

3. It shall report to the Committee on Finance in July of each year an estimate of the amount required for the purchase or acquisition of sites during the next calendar year.

COMMITTEE ON ELEMENTARY SCHOOLS

SEC. 20. 1. The Committee on Elementary Schools shall have charge of all matters relating to principals and teachers in elementary day schools, and the organization of such schools.

2. Nominations made by the Board of Superintendents for the appointment, promotion or transfer of principals or teachers in elementary day schools shall be referred to said Committee, and shall be transmitted to the Board of Education at its next meeting with recommendations as to approval or disapproval.

3. It shall have charge of all matters relating to the nomination of directors and assistant directors of special branches, and of teachers of special branches in elementary schools.

4. All applications or recommendations for the retirement on pension of principals or teachers in elementary schools shall be referred to said Committee, and shall be transmitted, with its recommendations, to the Board for final action.

5. Except when otherwise ordered by the Board, said Committee shall conduct all trials of principals and teachers in elementary schools against whom charges have been brought in accordance with Section 1093 of the Charter, and shall report its conclusions to the Board for action thereon.

6. The conclusions adopted by any Local School Board relative

to charges preferred against any principal or teacher in an elementary school shall be referred to said Committee, which shall report thereon to the Executive Committee, except that in cases where the penalty is dismissal report shall be made to the Board of Education.

COMMITTEE ON HIGH SCHOOLS AND TRAINING SCHOOLS

SEC. 21. 1. The Committee on High Schools and Training Schools shall have charge of all matters relating to principals and teachers in day high schools and training schools for teachers, and the organization of such schools, including all matters appertaining to the furnishing of luncheons to the pupils, and the nomination and control of proper persons for such purpose.

2. Nominations made by the Board of Superintendents for the appointment, promotion or transfer of principals and teachers in day high schools and training schools for teachers shall be referred to said Committee, and shall be transmitted to the Board of Education at its next meeting with recommendations as to approval or disapproval.

3. All applications or recommendations for retirement on pension of members of the teaching or supervising staff (including the members of the Board of Examiners), except principals or teachers in elementary schools, shall be referred to said Committee and reported to the Board for final action.

4. Except when otherwise ordered by the Board, said Committee shall conduct all trials of principals and teachers in high schools and training schools against whom charges have been brought in accordance with Section 1093 of the Charter, and shall report its conclusions to the Board for action thereon.

5. The conclusions adopted by said Committee relative to charges preferred against any principal or teacher in a high school or a training school shall be reported to the Executive Committee, except that in cases where the penalty is dismissal, report shall be made to the Board of Education.

6. Said Committee shall report immediately to the Board of Education whenever additional accommodation is necessary for high school or training school purposes, with a recommendation of the sites which it considers necessary to acquire for such purposes. It shall also recommend the erection of such buildings on said sites, or on any other property owned by The City of New York, and such repairs or alterations of high school or training school buildings as it shall deem necessary or desirable. It shall from time to time, when additional accommodation for a high school or training school is necessary, report to the Board of Education premises which are suitable and may be hired for that purpose, with the terms upon which the same may be obtained; and such report shall be accompanied by a certificate from the Borough President that the premises so recommended comply with the laws and ordinances in relation to buildings to be used for school purposes.

7. All recommendations of the Board of Superintendents with regard to courses of study, selection of text-books, and books for supplementary reading in high schools and training schools shall be filed with said Committee, and shall be transmitted, with its recommendations as to approval or disapproval, to the Committee on Studies and Text-Books for action thereon.

8. Said Committee shall determine the specific purposes to which the funds received from the Regents of the University of the State of New York for the purchase of library books and apparatus in high schools, and the amounts appropriated by The City of New York for the same purpose, shall be applied. It shall have the like power over the funds appropriated by the State Department of Public Instruction for the maintenance of training schools for teachers.

COMMITTEE ON SPECIAL SCHOOLS

SEC. 22. 1. The Committee on Special Schools shall have charge of all matters relating to evening schools, truant schools, schools for deficient pupils, vacation schools, playgrounds and playcentres.

2. Nominations of principals and teachers in said schools made by the Board of Superintendents shall be referred to said Committee, and shall be transmitted, with its recommendations as to approval or disapproval, to the Executive Committee for action thereon.

COMMITTEE ON STUDIES AND TEXT-BOOKS

SEC. 23. 1. The Committee on Studies and Text-Books shall have charge of all matters relating to courses of study and the selection of text-books and books for supplementary reading.

2. All recommendations of the Board of Superintendents with regard to courses of study, selection of text-books, and books for supplementary reading, shall be filed with said Committee, and shall be transmitted, with its recommendations as to approval or disapproval, to the Board of Education for action thereon.

COMMITTEE ON LECTURES AND LIBRARIES

SEC. 24. 1. The Committee on Lectures and Libraries shall have charge of all matters relating to the free lectures maintained by the Board. It shall have authority to prescribe all necessary rules and regulations for the conduct of such lectures. It shall also have charge of all matters relating to the establishment of branches of the New York Public Library or other public libraries and reading rooms in school buildings and libraries in connection with lectures and books to be purchased from the Library Fund, and all matters relating to school libraries.

COMMITTEE ON CARE OF BUILDINGS

SEC. 25. 1. The Committee on Care of Buildings shall have charge of all matters relating to the care and custody of school buildings and premises, including the Hall of the Board of Education.

2. It shall appoint, subject to confirmation by the Executive Committee, a Supervisor of Janitors, when authorized by the Board,

and all janitors and other employees required for the care of such buildings and premises, and shall make rules and regulations to secure the proper performance of their duties.

3. It shall prepare all schedules for the salaries of janitors.

4. It shall prepare rules and regulations for the cleaning and disinfecting of school buildings and other property belonging to the Board.

5. Whenever it shall be charged that any janitor has violated the by-laws or the rules or regulations applicable to janitors, said Committee may require such janitor to appear before it, and if, after a hearing, the Committee shall decide that such by-law, rule or regulation has been violated, it may impose a fine not exceeding five days' salary of such janitor. In case of a serious delinquency on the part of a janitor, the determination of the Committee shall be reported to the Executive Committee, which may approve or disapprove the same.

6. It shall prepare and present to the Board in July of each year a statement showing the amount of money which will be required for janitors' salaries and for the cleaning and disinfecting of school buildings during the next calendar year.

OFFICE HOURS—CLERKS

SEC. 26. The offices of the Board shall be open from 9 A. M. until 5 P. M., except on Saturday, when the offices shall close at 12 M.; provided that during the month of August in each year the offices (excepting on Saturdays) shall close at 4 P. M. No clerk or other employee shall be absent during office hours unless he first obtain permission from the head of the bureau in which he is employed. A daily record shall be kept of the attendance of clerks and other employees in all bureaus. Leave of absence may be granted by the Committee on Supplies, and in case of emergency by the head of any bureau; provided, however, that in the case of inspectors, draughtsmen and other assistants appointed in pursuance of subdivision 9 of Section 16 of these by-laws, such leave

may be granted by the Committee on Buildings. Absence from duty on the part of a janitor or other employee of the Board, except a teacher, for ten days without a satisfactory excuse, shall be deemed neglect of duty.

SECRETARY

SEC. 27. 1. The Secretary shall have charge of the rooms, books, papers and documents of the Board; he shall keep the minutes of its meetings and cause the minutes of Committee meetings to be kept; and shall, in addition to his duties as Secretary of the Board, perform such other duties as may be required by the members or Committees. He shall have the custody of the corporate seal. In the absence, inability or disability of the Secretary, his duties shall be performed by the Assistant Secretary, or in case of necessity by the Chief Clerk.

2. The Assistant Secretary, the Chief Clerk, and all other clerks and employees in the Secretary's office shall perform such duties as may be assigned to them by the Secretary.

3. The Secretary shall, as soon as possible after each meeting of the Board, notify the heads of bureaus of all matters referred to them, and shall also notify all chairmen of Committees of the matters referred to their respective Committees.

4. No employee of the Board qualified to administer oaths and take affidavits or acknowledgments shall charge any fee therefor. The Board shall pay the fee required by law on the appointment of such notaries public or commissioners of deeds as may be necessary for the transaction of the business of the Board.

5. The Secretary shall prepare all contracts after the same have been awarded, and shall secure the execution of such contracts. He shall execute, on behalf of the Board of Education, all leases which have been duly authorized, prepared and approved according to law.

6. He shall notify all members of the teaching and supervising force, and all other employees of the Board, of appointment, promotion or transfer authorized by said Board.

7. All requisitions on the Municipal Civil Service Commission for the names of persons to be appointed to positions under the Board of Education, which are subject to the rules and regulations of said Commission, shall be made by the Secretary, upon the request of the proper officers or Committees. All notices of appointments, transfers and promotions of such employees shall be communicated by the Secretary to said Commission.

AUDITOR

SEC. 28. 1. The Auditor shall cause to be kept all records and books of account of the Board, and shall provide for the examination and classification of all payments, and for the preparation of the necessary vouchers for the signatures of the proper officers of the Board. He shall keep such other accounts as the Committee on Finance may require.

2. He shall examine, audit and record all disbursements on account of the Department of Education, and certify that the payrolls and bills therefor are correct in all respects, and are in conformity with law and the by-laws and regulations of the Board of Education.

3. He shall cause to be kept a record of the payments of money on account of each school for any and for all purposes, including salaries and supplies. The account of supplies shall be kept separately.

4. He shall prescribe the duties to be performed by all persons employed in the Auditing Bureau. In the absence, disability or inability of the Auditor his duties shall be performed by the Deputy Auditor.

SUPERINTENDENT OF SCHOOL BUILDINGS

SEC. 29. 1. The Superintendent of School Buildings shall be the executive officer of the Board in respect to all matters relating to the Bureau of Buildings. He shall advertise for bids for the erection, equipment, alteration, or repair of any building used for educational purposes, when authorized by the Board or the Execu-

tive Committee, and when such advertisement is required by law or these by-laws. He shall open such bids at the time mentioned in the advertisement, in the presence of the Secretary or his representative, and of the Comptroller or his representative, as required by Section 419 of the Charter, and also in the presence of the Chairman or some other member of the Committee on Buildings; and shall tabulate the same and submit such tabulation to the Committee on Buildings for its action. He shall give a bond to the Board of Education in the sum of \$5,000 for the faithful performance of the duties of his office.

2. He shall examine all buildings and their appurtenances under the control of the Board in reference to their safety, sanitary condition, state of repair, and the necessity of alteration or improvement, and report the result of such examination to the Committee on Buildings, as often as, in his opinion, the interests of the school system require.

3. He shall, under the direction of the Committee on Buildings, prepare plans and specifications for new buildings, for alterations of buildings, and for such other work as may be required. He shall superintend all work done in connection with buildings under the control of the Board, and perform such other duties as may be required of him by the terms of contracts for such work entered into by the Board. All plans for new school buildings or additions to school buildings, or for structural changes in old buildings, must be approved by the Superintendent of School Buildings, who shall then, through the Committee on Buildings, submit such plans to the Executive Committee for action. All authorized repairs of school buildings shall be promptly and efficiently made under his direction.

4. He shall attach to every bill for work done, materials supplied or services rendered under his supervision or direction a certificate that such work, materials or services have been actually performed, supplied or rendered in accordance with a contract, agreement or accepted estimate, and, in case there is no contract in writing, that the prices or charges are reasonable and not in

excess of current or market rates; and he shall thereupon forward the bills so certified to the Auditor.

5. He shall certify all payments due on contracts for work performed under his supervision, and shall attach to the last payment thereon a certificate to the effect that the contract has been fully performed and the work finished complete in every respect and to his satisfaction; that the last payment is due, and that all damages and allowances which should be paid or made by the contractor have been deducted from said payment; he shall also require from the contractor a certificate that there is no claim or demand for extra work or materials in connection with said contract, except as stated therein.

6. He shall have charge of and prescribe the duties to be performed by all persons employed in the Bureau of Buildings, subject to the rules and regulations prescribed by the Committee on Buildings.

7. He may, subject to the approval of the Board of Education, appoint a Deputy Superintendent for each of the Boroughs, who shall be an architect or engineer of good standing.

8. In the absence of the Superintendent of School Buildings he may designate a Deputy Superintendent, in his place and stead, to perform all the duties of said Superintendent.

9. Where changes as to extra work or extension of time may be deemed advisable in the terms of any contract duly entered into, the Superintendent shall report thereupon direct to the Committee on Buildings, which shall submit its conclusions to the Executive Committee for approval. Where changes in plans and specifications may be deemed advisable and do not incur any liability for extra work, the Superintendent shall report his recommendations direct to the Committee on Buildings for its action. These provisions, however, are not to be construed as limiting the powers of the Superintendent as to the interpretation of contracts, plans and specifications, as therein provided for.

10. He shall cause inventories to be prepared of all school property, and files of the same to be preserved, and no property entered

on any such inventories shall be delivered by the person charged with the care of the same except on orders from him.

11. He shall present a report to the Board in January and July of each year, showing all new buildings and additions in course of construction, the cost of the same, and the dates on which such buildings and additions will be completed; all buildings for which proposals have been solicited, and for which contracts have not been awarded; all buildings for which plans are being drawn; and other information of interest to the Board.

DEPUTY SUPERINTENDENTS OF SCHOOL BUILDINGS

SEC. 30. 1. The Deputy Superintendents of School Buildings in the several Boroughs shall, under the direction and supervision of the Superintendent of School Buildings, have charge of repairs to all school buildings in their respective Boroughs.

2. The Superintendent of School Buildings may authorize the expenditure of a sum not exceeding \$500 for necessary repairs, alterations or improvements to school buildings. Whenever the proposed expenditure exceeds \$50 and is not more than \$200, at least three estimates shall be obtained; whenever the proposed expenditure exceeds \$200 and is less than \$500, at least five estimates shall be obtained, provided that where bidders neglect or refuse to estimate, thus preventing the full number of bids from being received, and where the work is of such character that further delay may be followed by serious consequences, a report setting forth these facts may be submitted to the Committee on Buildings for its action and the work duly authorized. All such estimates shall be obtained upon specifications and plans where required, and an exact copy thereof forwarded to intending bidders.

3. All bids received under this section shall be in sealed envelopes bearing the number of the school, the Borough, the nature of the work and the name of the bidder. All bids shall be opened by the Superintendent after the time limit shall have expired, the results tabulated and presented to the Committee on Buildings for its action thereon.

4. The Superintendent of School Buildings may, in the case of an emergency, authorize a Deputy Superintendent to expend a sum not exceeding \$50, but he shall immediately make a written statement of the facts to the Committee on Buildings, clearly showing the exigencies of the case.

5. Where the estimated value of any work on one school building exceeds \$500 and is less than \$1,000, plans and specifications shall be prepared and the work duly advertised for one week in the *City Record*, and the bids shall be opened as provided in Section 29, subdivision 1.

6. Where the estimated value of work is less than \$50 and an emergency or necessity is deemed to exist, a Deputy Superintendent may order said work at once and report the facts to the Committee on Buildings.

7. The duty prescribed by subdivision 4 of Section 29 may, in the discretion of the Chairman of the Committee on Buildings, be delegated to a Deputy Superintendent of School Buildings or to the chief clerk of the Bureau of Buildings.

SUPERINTENDENT OF SCHOOL SUPPLIES

SEC. 31. 1. The Superintendent of School Supplies shall be the executive officer of the Board in respect of the purchase, storing and distribution of all supplies for the use of the schools, the Board of Education, the officers and employees thereof, the several Local School Boards and the office of the City Superintendent; the printing for the Board and any of its officers, employees or departments and for the Local School Boards, and the transportation of pupils. He shall advertise for bids for supplies and equipments for the use of the schools, the Board of Education, or any of the bureaus thereof, and the several Local School Boards, and for the transportation of pupils, when authorized by the Board or the Executive Committee, and when such advertisement is required by law or these by-laws. He shall open such bids, tabulate the same and submit such tabulation to the Committee

on Supplies for its action. He shall give a bond to the Board of Education in the sum of \$5,000 for the faithful performance of his duties.

2. He shall cause all books and other supplies to be properly delivered in good order, and in suitable and sufficient quantities to meet all demands, to the various schools in The City of New York, and to the officers of the Board of Education and of the several Local School Boards. He shall keep an account of the cost thereof, and of the quantity delivered to each school and office.

3. He may appoint such Deputy Superintendents of Supplies and such other subordinates as may be authorized by the Board or the Executive Committee. In the absence of the Superintendent of School Supplies, he may authorize a Deputy Superintendent, in his place and stead, to perform all the duties of said Superintendent.

4. He shall attach to every bill for work done, supplies furnished or services rendered under his supervision or direction a certificate that such work, supplies or services have been actually performed, furnished or rendered in accordance with a contract, agreement or accepted estimate, and, in case there is no contract in writing, agreement or estimate, that the prices or charges are reasonable and not in excess of current or market rates; and he shall thereupon forward the bills so certified to the Auditor.

5. He shall have charge of and prescribe the duties to be performed by all persons in the Bureau of Supplies.

6. There shall be one general depository for the City and as many branch depositories as may be authorized by the Executive Committee, in which shall be received and stored in such quantities as the demand may, from time to time, warrant, all the various articles (except fuel) purchased under contract according to law, known under the general name of supplies, being such as are required for the use of the schools under the jurisdiction of the Board of Education, and for the use of the Board and the several Local School Boards. The depository or depositories shall be in charge of the Superintendent of School Supplies.

7. The Superintendent of School Supplies shall prepare annually a list—to be termed the Supply List—of all books authorized by the Board, stationery, and other articles required by the schools under the jurisdiction of the Board for the next calendar year, and also of all books, blanks, stationery, etc., required in the offices of the Board of Education and of the several Local School Boards, and submit the same to the Committee on Supplies. All supplies, as far as possible, shall be obtained by contract made at public letting in the manner provided by Section 419 of the Charter.

8. All fuel required for the several schools and for the headquarters and offices of the Board of Education shall be furnished by the Superintendent of School Supplies.

9. The amount of money which may be expended for textbooks, stationery, and other school supplies, except fuel, during the year in each school shall be determined, under the direction of the Committee on Supplies, by the Superintendent of Supplies, on the basis of the largest number of pupils registered in such school during any month in the preceding year. No order for supplies of any kind shall be filled in excess of such amount, except under the authority of a resolution adopted by a majority of the members of the Committee on Supplies.

10. An accurate inventory shall be made, during the last week of June in each year, of the books, slates, maps, and all other articles usually embraced under the name of supplies in every school under the jurisdiction of the Board. Blank forms of inventory shall be furnished by the Superintendent of School Supplies for the purpose, and the same, when completed, shall be forwarded to and filed in the office of said Superintendent. The inventory shall designate the three conditions of supplies on hand, in separate columns, viz., "Good," "Half-worn," and "Old." In estimating the stock on hand, the whole of the class "Good" shall be entered on the list, one-half of the class "Half-worn," and one-fourth of the class "Old," the total being the quantity on hand of each item. A duplicate of the June inventory shall be used as the basis of the

receipt to be given by the janitor to the principal on the closing of the schools for the summer.

11. When text-books, apparatus, or other scholastic supplies are needed in any school, requisition therefor shall be made by the principal, and all requisitions must be approved by the District Superintendent of the district in which the school is situated. Supplies for any school shall be entered in the pass-book provided, and the list shall be dated and attested by the signature of the principal.

12. When supplies of any kind, including furniture, are needed for the offices of the Board of Education, or of any of the Local School Boards, whether chargeable to the supply account or to the fund for incidental expenses, requisitions for the same shall be made upon the Superintendent of School Supplies by the proper officers or Committees. No liabilities for repairs or other necessary expenditures, chargeable to the fund for incidental expenses, shall be incurred except on the order of said Superintendent, save that in emergencies, when no opportunity for obtaining an order from said Superintendent is given, liabilities not exceeding \$10 in amount may be incurred, but notice thereof must forthwith be given to the Superintendent of School Supplies.

13. Books of reference, printed postal cards, stamps, envelopes and stationery for the use of principals and Local School Boards may be furnished at the discretion of the Committee on Supplies.

14. Every order issued by the Superintendent of School Supplies shall be issued in quadruplicate, from a separate manifold book for each Borough and for the particular appropriation to which the order is applicable. The original order shall be transmitted to and shall be the property of the person or firm to which said order is issued; the duplicate copy shall also be transmitted to the same person or firm, and must be returned with and attached to the bill for supplies or materials furnished by said person or firm; the triplicate copy shall be filed by the Superintendent of School Supplies with the Bureau of Audit and Accounts as and when the order is issued. The quadruplicate copy shall be retained by said Super-

intendent. The original order and each copy thereof shall be on distinctively colored paper.

15. Suitable books and other material prescribed by the Board of Superintendents for school records shall be provided by the Superintendent of School Supplies.

16. The Superintendent of School Supplies shall cause an inventory to be made, in the months of June and December in each year, of all supplies in the several depositories for school supplies.

SUPERVISOR OF LECTURES

SEC. 32. Subject to the supervision of the Committee on Lectures and Libraries, the Bureau of Lectures shall be under the control and direction of the Supervisor of Lectures, who shall arrange for and direct the free lectures to be given in school buildings and other places of assembly; he shall prescribe the duties to be performed by all persons employed in the Bureau of Lectures, shall select and assign lecturers, and shall recommend the appointment of an Assistant Supervisor of Lectures, inspectors, local superintendents, operators and other persons whose services may be required in connection with lectures. The Assistant Supervisor of Lectures shall perform such duties as may be assigned him by the Supervisor of Lectures. In the absence, inability or disability of the Supervisor of Lectures, his duties shall be performed by the Assistant Supervisor of Lectures.

SUPERINTENDENT OF LIBRARIES

SEC. 33. Subject to the supervision of the Committee on Lectures and Libraries, the libraries shall be under the control and direction of the Superintendent of Libraries, who shall prescribe the duties to be performed by all persons employed by the Bureau of Libraries and recommend the appointment of all persons whose services may be required in connection therewith.

PHYSICIANS

SEC. 34. In accordance with the Civil Service Law, and the Rules of the Municipal Civil Service Commission adopted thereunder, the President of the Board of Education shall appoint two physicians, one man and one woman, to act as physicians of the Board of Education. It shall be the duty of such physicians to examine applicants for licenses and certify as to their physical condition. Offices for said physicians shall be provided in the Hall of the Board of Education and they shall establish office hours at times to be fixed by the President, including Saturday forenoon, for the performance of the duties of their office.

CONTRACTS

SEC. 35. 1. All work of erecting, equipping, altering, repairing or enlarging school buildings and premises, the cost of which may exceed \$1,000, and all books, stationery, printing, fuel, and other supplies for the use of the schools, the Board of Education, or any of the bureaus thereof, and the several Local School Boards, and the transportation of pupils, the cost of which may exceed \$1,000, shall be done or obtained by contract, bids or estimates for which shall be invited by advertisement as provided by law. The appropriate Committee shall report in each case whether or not the advertisement for proposals has been duly published and the contract awarded to the lowest bidder. Whenever the question of the purchase of a school site or the erection or enlargement of a school building or addition shall be referred to the appropriate Committee, said Committee shall require from the City Superintendent of Schools a report in writing of such facts as relate to the necessity for such site, building or addition, the convenience of the location, and the number of departments, classrooms, and children to be provided for, with such additional recommendations or suggestions as he may deem desirable, and shall report thereon to the Board.

2. Whenever it may be decided by the Board that a building or addition is needed, the Superintendent of School Buildings shall

prepare and submit to the Committee on Buildings, for its consideration, the plans for and a general description in writing of such a building as he deems advisable, specifying the dimensions, the number and arrangement of departments and classrooms and all other material features, and estimating approximately the cost. Thereupon such plans shall be submitted to the Executive Committee for its action. Upon its approval thereof, proposals shall be duly advertised for, and the contract shall be let in the manner prescribed by law.

3. All proposals received by authority of the Board or the Executive Committee for any of the purposes hereinbefore named shall be opened in the Hall of the Board immediately after the expiration of the time limited by the advertisement for the receipt thereof, by the officer advertising for the same, in the presence of the Secretary of the Board or in the presence of such clerk as the Secretary may designate; all proposals shall be thereafter filed in the office of the Secretary; and no proposal shall be received or considered that may be offered or submitted after the time limited as before specified.

The appropriate Committee having charge of the matter may reject all bids or recommend that application be made in the manner provided by law to award the bid to other than the lowest bidder. Unless such action is taken, said Committee shall accept the lowest bid without further approval.

4. Upon the awarding of any contract as prescribed in this section, when the same shall have been confirmed and the contract executed on behalf of the Board, the Secretary shall, in writing, notify the person to whom the contract may be awarded that he must execute the contract and furnish the required bond within five days from the date of such notice.

5. The Committee in charge of any contract shall compute the time for the completion thereof from the date of the approval of said contract by the Comptroller, and a provision to this effect shall be inserted in all contracts; and said Committee shall determine

the amount of security to be required for the performance of any contract.

6. No contractor shall be accepted to perform any contract on behalf of the Board who may have failed to perform faithfully any contract with the Board.

7. Contracts entered into by the Board of Education, acting by and through the Committee on Buildings and the Committee on Supplies respectively, shall be signed, on behalf of the appropriate Committee, by the Chairman of such Committee, or, in his absence, by a member of the Committee designated for the purpose.

TEACHERS' RETIREMENT FUND

Sec. 36. 1. The Secretary shall keep a record of all teachers retired under the provisions of Section 1092 of the Charter of The City of New York, or of any act or acts amendatory thereof, setting forth the date of appointment, the date of retirement, and the amounts which such retired teachers are entitled to receive from the Teachers' Retirement Fund.

2. Monthly payrolls shall be prepared for the payment of such retired teachers.

3. The Secretary shall keep a record of the death of any retired teacher, and cause an entry thereof to be made in the record of retired teachers, and shall certify such death to the Comptroller of The City of New York.

4. All money, compensation or salary, or any part thereof, forfeited, deducted or withheld from any teacher, and not remitted to such teacher in accordance with the provisions of the by-laws of the Board applicable thereto, shall constitute a part of the Teachers' Retirement Fund.

5. The Auditor shall furnish to the Secretary a monthly statement of such deductions, and the Secretary shall certify monthly to the Comptroller the total amount so deducted.

ANNUAL REPORTS

SEC. 37. 1. The annual report to the State Superintendent of Public Instruction, required by Section 1094 of the Charter, shall be prepared by the City Superintendent of Schools.

2. The first annual report to the Mayor required by Section 1095 of the Charter shall be prepared by the Secretary, under the direction of the President.

3. The second annual report to the Mayor required by Section 1095 of the Charter shall be prepared by the Auditor, under the direction of the President.

4. The City Superintendent of Schools shall make an annual report containing a statement of the condition of the schools of the City, and all such matters relating to his office, and such plans and suggestions for the improvement of the schools and the school system and for the advancement of public instruction in the City as he shall deem expedient. This report shall be made in October for the preceding school year.

5. The Superintendent of School Buildings shall make an annual report to the Board, covering the operations of the Bureau of Buildings, showing the number of school buildings and additions completed and opened, the number of contracts awarded, the number of contracts outstanding and such other matters as he may deem expedient, and also a detailed statement of the estimated value of all school property in the City. This report shall be made in January for the preceding calendar year.

6. The Superintendent of School Supplies shall make an annual report to the Board of the transactions of the Bureau of Supplies, giving the amount of purchases, the value of the stock on hand as per inventory, the amount of supplies furnished to each school and the cost of the same per pupil, together with a statement of the aggregate cost of supplies as compared with the previous year. This report shall be made in January for the preceding calendar year.

7. The Supervisor of Lectures shall make an annual report containing a statement of the free lectures and courses of instruction

maintained by the Board of Education. This report shall be made in June for the preceding year.

8. The Superintendent of the Nautical School shall make an annual report on the work of said school. This report shall be made in January for the preceding calendar year.

9. The annual reports to the Mayor, and the annual reports of the Superintendent of School Buildings, the Superintendent of School Supplies, the Supervisor of Lectures, and the Superintendent of the Nautical School, together with other information relating to the public school system, shall be published in a volume to be known as the Annual Report of the Department of Education of The City of New York.

CITY SUPERINTENDENT OF SCHOOLS

SEC. 38. 1. The City Superintendent of Schools shall maintain his main office in the Borough of Manhattan, in the building known as the Hall of the Board of Education. He shall have a seat in the Board of Education and a right to speak, but not to vote, on all matters before the Board.

2. He shall preside over all meetings of the Board of Superintendents, and all communications from said Board shall be made in his name, unless he may otherwise elect. In the event of enforced absence, he shall designate some member of said Board to act in his stead.

3. He shall have power to call together any or all of the Associate City Superintendents for consultation. He shall assign to them, subject to the by-laws of the Board of Education, such duties as in his judgment will be conducive to the welfare of the public schools.

4. He shall have power to call together any or all of the District Superintendents for consultation. Subject to the by-laws of the Board of Education, he shall assign twenty-three of them to the work of supervision in the Local School Board Districts for a period of one school year, in such manner that each shall have charge of two districts. At the end of the school year the City

Superintendent of Schools may change or continue such assignment as he may deem best for the interest of the districts concerned. District Superintendents, when not so assigned, shall be assigned by the City Superintendent to such other professional duties as he may think proper.

5. He shall report to the Board of Education any case of gross misconduct, insubordination, neglect of duty or general inefficiency on the part of any Associate or District Superintendent.

6. He shall have the supervision and direction of all Directors and Assistant Directors of Special Branches, and shall assign them to such duties as he may think proper.

7. The District Superintendents shall be under the direction and supervision of the City Superintendent, who shall receive and transmit to the Board of Education reports received from them, on forms and subjects which he shall prescribe. He shall also prescribe what reports the principals shall make.

8. He shall enforce the Compulsory Education Law, shall nominate to the Board of Education attendance officers, and shall direct and supervise such officers in the discharge of their duties.

9. He shall have supervision of the training schools for teachers, and shall enforce the law with regard to these institutions, and the regulations made in pursuance thereof by the State Superintendent of Public Instruction.

10. He shall appoint such clerks as he may deem necessary and as are authorized by the Board of Education, and shall assign them to their various duties. He shall have power to suspend or discharge them for cause, but they shall have the right to appeal to the Board of Education.

11. He shall act as Chairman of the Board of Examiners. He shall prescribe such examinations as the Charter requires or as he may deem necessary. He shall cause to be prepared eligible lists of all who pass such examinations. Said lists shall be kept in his office and shall be open to inspection by members of the Board of Education and by Associate and District Superintendents.

12. He shall have power, with the consent of the Board of Education, to employ temporarily, when needed, assistants to the Board of Examiners, at rates to be fixed by the Board of Education.

13. He shall visit and examine, or cause to be visited and examined, all the schools of The City of New York, and report to the Board of Education on the educational system of the City and on the condition of any or all the schools thereof.

14. He shall prescribe suitable blanks, forms, registers and regulations for the following purposes:

- (a) Reports on the general efficiency of the schools.
- (b) Reports showing the results of inspections and examinations of schools and classes made by the District Superintendents and Associate City Superintendents, together with the names of principals and teachers whose work is conspicuously good or seriously deficient.
- (c) Reports showing the nature and amount of work done in the execution of the Compulsory Education Laws.
- (d) Special reports from the District Superintendents and from principals upon the work of teachers holding temporary licenses, and upon those requiring approval as to fitness and merit under Section 1091 of the Charter.
- (e) Reports on such other matters as the City Superintendent may deem conducive to the proper organization, government and conduct of the schools.

15. He shall cause such blanks, forms and registers to be transmitted to the persons or officers entrusted with the execution of the matters contained therein.

16. He shall transmit to the auditor, to the principal, and to the teacher concerned, in each case of appointment, promotion or transfer of any member of the teaching or supervising force, a certificate setting forth the salary schedule under which the teacher shall be paid, the salary year, and the month during which an annual increase in salary shall become due.

17. He shall report to the Board of Education from time to time the results of the inspections made by the District Superintendents.

18. When a principal or teacher has been suspended by a District Superintendent, the City Superintendent shall immediately report such suspension to the Board of Education.

19. He shall recommend to the Board of Education the retirement of any member of the teaching or supervising staff, including the members of the Board of Examiners, who is mentally or physically incapacitated for the performance of duty and who has been engaged in the work of teaching or school supervision for a period aggregating thirty years, twenty of which have been in the public schools of The City of New York.

20. He shall have power to delegate any of the above-mentioned duties to one or more Associate Superintendents, except those specifically conferred on him by the Charter.

21. Whenever for any cause the number of teachers assigned to a school shall become greater than the number required in such school, the City Superintendent shall have power to assign the teachers in excess to duty in other schools, until such time as they shall have been regularly transferred to vacancies.

22. He shall have power to close temporarily any of the public schools in case of emergency.

BOARD OF SUPERINTENDENTS AND ASSOCIATE CITY SUPERINTENDENTS

SEC. 39. 1. Except as otherwise provided by law, no person shall be eligible for election as City Superintendent, Associate City Superintendent, or District Superintendent, who has not one of the following qualifications: (a) Graduation from a college or university recognized by the University of the State of New York, together with at least five years of successful experience in teaching or supervision since graduation; (b) a principal's certificate for any of the Boroughs of The City of New York obtained as a result of examination, together with ten years' successful experience in supervision

or teaching. Resignations of the City Superintendent and the Associate City Superintendents shall be made to the Board of Education. Resignations of the District Superintendents and Directors of Special Branches shall be made to the Board of Superintendents, and shall be reported immediately to the Board of Education.

2. Any vacancy in the office of City Superintendent of Schools, Associate City Superintendent, or District Superintendent, caused by death, resignation, or otherwise, shall be filled for the unexpired term.

3. Not less than forty days before the expiration of the term of office of any District Superintendent or any Director or Assistant Director of a Special Branch the Board of Superintendents shall nominate to the Board of Education a successor to such District Superintendent, Director or Assistant Director.

4. The Associate City Superintendents shall perform such service in connection with the duties of their office as the City Superintendent of Schools may direct.

5. The Board of Superintendents shall meet at least twice in each school month during the year. It shall keep minutes of its meetings, which shall be printed, and a copy thereof shall be mailed to each member of the Board of Education.

6. Subject to the approval of the Board of Education, the Board of Superintendents shall make rules and regulations for the admission of pupils to the schools, for their promotion and graduation, and for their transfer from one school to another.

7. The Board of Superintendents shall recommend to the Board of Education, when necessary or advisable, (a) text-books, apparatus and other scholastic supplies; (b) changes in the grades of schools or classes; (c) the adoption or modification of courses of study.

8. The Board of Superintendents shall, from time to time, issue syllabuses in the various branches taught, which shall be regarded as the minimum amount of work required in such branches.

9. Nominations for appointment of members of the teaching and supervising staff shall be made in accordance with the provisions of Sections 1089 and 1090 of the Charter; and promotions, transfers and assignments to duty shall be made in accordance with the provisions of Sections 1085, 1086, 1088 and 1090 of the Charter. Nominations from the appropriate eligible list made subsequent to February 3, 1902, shall be made in the regular order of the standing of the candidates on said list, provided, however, that the Board of Superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible list, without regard to the dates on which the names were placed on such list.

10. A principal or teacher declining appointment shall not be again considered for appointment within a period of six months from the date of nomination, unless the Board of Superintendents shall otherwise determine by a unanimous vote. Failure to report for duty within fifteen days after notification of the date of appointment shall be considered a declination of the position.

11. The Board of Superintendents shall have power, by formal resolution, to consolidate classes, or to increase or decrease the number of classes in any school.

12. The Board of Superintendents shall determine the merit and fitness of principals and teachers in accordance with the provisions of Section 1091 of the Charter.

13. For all purposes affecting the merit and fitness of a principal or a teacher in any district the District Superintendent shall have a seat in the Board of Superintendents, with the right to vote.

14. The Board of Superintendents shall assign to each district such substitute teachers as it deems necessary.

DISTRICT SUPERINTENDENTS

SEC. 40. 1. The District Superintendents shall perform such service in connection with the duties of their office as the City Superintendent shall direct.

2. They shall be in the offices of the Local School Boards of the districts to which they are assigned at least one day each week, as the City Superintendent shall direct, from 3.30 till 5 p. m., and a statement of the office hours of the District Superintendent shall be posted in every school building in the districts to which he is assigned and in the offices of the appropriate Local School Boards.

3. They shall keep in the offices of the Local School Boards of the districts to which they are assigned (a) a map of the school district showing the location of the schools therein, and the boundaries of the territories from which the pupils are to attend the several schools of the district; (b) the names of all principals and regular and special teachers and supervisors employed in the several schools of the district; (c) a list of substitutes available for service in the schools of the district; (d) copies of all reports on the schools and teachers of the district and of their reports to the Local School Boards; (e) copies of the course of study for the elementary schools and of all syllabuses issued by the Board of Superintendents; (f) lists of all books, supplies and apparatus approved by the Board of Education; (g) copies of such other documents as pertain to the instruction and work of the schools; (h) lists of text-books used in the several schools of the districts; (i) a record of complaints filed by parents, teachers or principals.

4. They shall attend all meetings of the Local School Boards of which they are members, unless excused. They shall report monthly to the Local School Boards of which they are members upon such matters relating to the schools as they shall deem necessary; they shall furnish to said Boards information upon such matters relating to the schools as said Boards shall request.

5. They shall make recommendations to the City Superintendent of Schools, when necessary, concerning the proper accommodation of all children of school age applying for admission to the schools of their respective districts.

6. They shall make recommendations to the City Superintendent concerning the consolidation and increase of classes, the pro-

motion and transfer of teachers within their districts, and all other matters which in their judgment will promote the efficient and economical administration of their schools.

7. They shall endeavor to secure economy in the ordering and use of supplies, and shall report to the City Superintendent of Schools any case of extravagance or waste therein and any other matters in connection therewith that may seem to them advisable.

8. They shall, by all means in their power, encourage in their work the pupils, teachers and principals of the schools in their respective districts; improve the methods of instruction therein, and by counsel and advice endeavor to secure and maintain a high standard of education.

9. Subject to the approval of the City Superintendent of Schools, they shall have power, from time to time, to call together for conference and instruction any or all of the teachers and principals of the schools in their respective districts.

10. They shall inspect every school in their respective districts twice each year, and inquire into all matters prescribed by the existing by-laws relating to the government, course of study, discipline and conduct of such schools, and the condition of the school-houses and the schools generally. They shall visit every class of such schools as often as practicable, and shall examine the same when necessary; and the character of the instruction as to methods and discipline shall be recorded at least once in each school year, with all necessary explanations, and classes showing an unsatisfactory result shall be characterized as "deficient." The name of the teacher in charge and the grade of the class shall form a part of the record, as shall also the general condition of the school, as affected by the management of the principal or acting principal, and the work of such principal or acting principal, in respect to teachers and classes.

11. In visiting schools the District Superintendent shall give special attention to the classes of the teachers of least experience or success; and in the classes of teachers advanced to higher grades

the instruction in new subjects shall be supervised with particular care.

12. Whenever any class has been found to be in an unsatisfactory condition, it shall be visited again within six months. If, upon such visit, the class shall again be found to be deficient, the District Superintendent shall immediately report the fact to the City Superintendent of Schools. The same course shall be taken in the case of any principal or acting principal whose school is recorded "deficient" in general management. When any school or class shall be found deficient, and the removal of the principal or teacher is not recommended, the City Superintendent shall cause such school or class to be visited frequently for the purpose of improving the character of instruction or management of such school or class.

13. In case any principal, any Local School Board, or any member of the Board of Education shall request, in writing, the City Superintendent to examine any class which there is reason to believe is in an unsatisfactory condition, the City Superintendent shall cause such class to be examined with the least possible delay, and shall report the results to the member of the Board of Education, to the Local School Board, or to the principal requesting such examination. The same course shall be taken as to the general management of any school at the request of any member of the Board of Education, or at the request of the Local School Board for the district in which such school is located.

14. Whenever any school is visited for examination, it shall be the duty of the principal of said school to provide the visiting Superintendent with a written statement of such facts as the latter may deem requisite to enable him to form a correct estimate of the efficiency of the instruction imparted.

15. The results of examinations required by this section shall be immediately entered and kept on record in the office of the City Superintendent, and shall be open to the inspection of the members of the Board of Education, of the Local School Boards as to

their respective districts, and to the principals as to their respective schools.

16. Whenever a school or class shall be recorded "deficient" a transcript of the record of such deficiency shall be sent without delay to the principal or teacher affected.

17. Whenever an examination of a school shall indicate that the instruction in any subject is not satisfactory, the City Superintendent of Schools shall notify the principal, and it shall be the special duty of said principal to help and encourage the teachers to improve the character of the instruction in the subjects indicated.

18. Each District Superintendent shall report to the Local School Board of any district to which he is assigned and to the City Superintendent of Schools any case of gross misconduct, neglect of duty or general inefficiency arising in such district on the part of any principal, teacher or other member of the educational staff within his jurisdiction.

19. A District Superintendent shall have power to suspend a teacher in any school within his district for gross misconduct or insubordination, neglect of duty or general inefficiency, and shall forthwith report such suspension to the City Superintendent of Schools.

20. District Superintendents shall report on all other matters connected with the schools of their respective districts as the City Superintendent shall require.

21. Resignations of District Superintendents shall be made to the Board of Superintendents.

22. District Superintendents, after conference with the Directors of Special Branches, shall assign teachers of such special branches to their duties in the schools of the several districts to which they are assigned.

DIRECTORS AND TEACHERS OF SPECIAL BRANCHES

SEC. 41. 1. Upon the nomination of the Board of Superintendents, the Board of Education shall appoint such Directors of Special Branches as it deems necessary, for the term of six years,

and upon the like nomination such Assistant Directors of Special Branches as it deems necessary; such Directors and Assistant Directors shall be subject to the supervision and direction of the City Superintendent. No person shall be eligible for election as Director of a Special Branch, such as music, drawing, kindergarten, etc., who is not (a) a graduate of a college or university recognized by the University of the State of New York; and (b) a graduate from a course of professional training of at least two years in the special branch that he is to supervise or teach; and (c) a teacher of that special branch with at least three years of successful experience.

2. Resignations of Directors of Special Branches shall be made to the City Superintendent, and shall be reported immediately to the Board of Education.

3. Directors of Special Branches shall act as advisers to the Board of Superintendents, to the District Superintendents and to the principals, with regard to all matters relating to the special branches they supervise. Under the direction of the City Superintendent, and subject to his assignment, Directors and Assistant Directors of Special Branches shall examine the work in their several branches, report upon the same, and instruct special teachers and class teachers in the teaching of their several branches.

4. They shall report to the City Superintendent at such times as he may require.

5. Subject to the approval of the City Superintendent, assignments of teachers of special branches to their duties in the schools of the several Local School Board Districts shall be made by the District Superintendents, after consultation with the Directors of said special branches.

6. Subject to the general supervision of the District Superintendents, and to the immediate supervision of their respective Directors, the teachers of special branches shall visit the classes in the schools to which they are assigned, shall inspect their work, give model lessons, and, in co-operation with the principals, shall direct the methods of instruction employed therein.

7. It shall be the duty of all Directors and Assistant Directors of Special Branches to report to the City Superintendent twice in each year upon the general efficiency of each of the special teachers under their supervision, or oftener if required.

PRINCIPALS

SEC. 42. 1. Principals of schools are the responsible administrative heads of their respective schools, and shall, when necessary, instruct heads of department and teachers in all matters pertaining to discipline and teaching. They shall take all proper measures to carry out in their several schools all requirements of the Board of Education expressed in its by-laws, rules, regulations and resolutions, and all instructions issued in pursuance thereof by the City Superintendent of Schools or by the Board of Superintendents.

2. Principals shall establish a high standard of teaching in their respective schools by so planning teachers' work that the education of pupils through the various subjects of the courses of study shall be continuous from the lowest grade to the highest, and that pupils may be led to reinforce the study of each subject by the study of the other subjects; by frequent inspections and examinations of classwork, and by giving model lessons in the presence of teachers; and by subsequent conferences with the teachers affected on the results of such inspections, examinations and model lessons, for the purpose of correcting errors and increasing efficiency.

3. Principals shall give special attention to the instruction, when necessary, of newly appointed teachers, of substitute teachers, and of teachers whose work is reported as defective by the District Superintendent. They shall keep such records of assistance rendered to unsuccessful and inexperienced teachers as will show, in case of inquiry, what opportunity and assistance such teachers have had to enable them to succeed. At the close of each school term every principal shall furnish the teachers under his control with a statement showing his or her respective ratings of their efficiency as reported to the City Superintendent.

BY-LAWS

4. Principals shall report to the City Superintendent or to the District Superintendent within their district at such times, upon such matters, and in such form as the City Superintendent or such District Superintendent may require.

5. Principals shall prepare requisitions for text-books, apparatus and other scholastic supplies required in their respective schools, and forward such requisitions to the District Superintendent, under rules prescribed by the Board of Superintendents.

6. Principals shall keep a record of all class inspections and examinations, of conferences with teachers, and of such other matters affecting their respective schools as they may deem necessary. Principals shall require heads of department to keep similar records of their work.

7. Heads of department shall act as assistants to the principals of the schools to which they are assigned, and shall perform such duties as to supervision, teaching or other school work as may be required by the principals, subject to the approval of the Board of Superintendents.

8. Principals shall be careful that no injury be done to the schoolhouses, fences, school furniture, school books or other school property, and shall give immediate notice to the Bureau of Buildings and the Local School Board whenever any injury has been committed or repairs are needed. It shall also be the duty of the principal of the school to direct the janitor and see that he properly performs his duty.

9. The principal of each school shall be required to understand the mode of operating and protecting the heating and ventilating apparatus, and shall be held responsible for properly supervising the janitor in relation thereto, and he shall instruct the teachers in the regulation of the temperature in the classrooms and see that proper attention is paid thereto.

10. Principals shall open and place under proper supervision at least one room in their respective schoolhouses, thirty minutes

before the time fixed for the beginning of school exercises. During the noon intermission no pupil shall be excluded from the school building who wishes to remain therein.

11. A record shall be kept in each school of the absence and lateness of all members of the supervising and teaching force; in this record every absence of a principal or teacher from the school premises during school hours shall be entered, showing its duration and the reason therefor.

12. Pupils shall not be sent from the school premises upon errands during the school hours, except in cases of necessity or emergency, and with the consent of the pupil; and in such cases only by the authority of the principal or acting principal, who shall be authorized to send only a pupil of suitable age and discretion, and shall record the name of the pupil so sent, with the date, the occasion and the duration of absence. No pupil shall be sent at any time to look up absentees, nor shall any pupil be sent into the open air at recess without having an opportunity of putting on his outer clothing.

13. At least twice a month principals shall exercise the teachers and pupils of their respective schools in rapid dismissal, so that in case of emergency safe egress from the building can be effected with the greatest possible dispatch.

14. No principal, head of department or teacher shall engage in any occupation that will interfere with the duties required of him or her by these regulations; nor shall any principal, head of department or teacher give private lessons for pay in any public school building at any time.

15. No woman principal, woman head of department or woman member of the teaching or supervising staff shall marry while in the service. It shall be the duty of the District Superintendent to bring to the notice of the Board of Superintendents the marriage of any such person in his districts, and such fact shall be reported to the Board of Education, which may direct that charges be preferred against such teacher by reason of such marriage.

16. A special report from the principal of each school shall accompany each payroll, stating whether or not the whole or a part of any session of such school has been omitted previous to the date of such report and subsequently to the last preceding report, other than such vacations and holidays as are specially allowed by the by-laws of the Board, and if the whole or part of any session has been so omitted, for what reason and by what authority the same was omitted.

17. The principals of schools shall require the pupils of all grades, except those of the first two years, to devote not less than one half hour each day to study in the classroom under the direction of the class teachers.

18. They shall report at once to the District Superintendent any teacher who shall be found to be inefficient, incompetent to perform properly the work of instruction or unable to maintain proper discipline.

ABSENCES

SEC. 43. 1. Every teacher absent from duty shall report promptly in writing to the principal of the school the cause of such absence, and shall state its probable duration.

2. The City Superintendent may permit any principal, director or special teacher, who may apply for permission, to be absent without loss of pay from his or her school for not more than three days in any school year, for the purpose of visiting other schools. Such principal shall report to him in writing the results of his or her observations of schools so visited. Such absence shall not be regarded as absence from duty, but shall be reported as provided in these by-laws.

3. A District Superintendent may, upon a written request indorsed by a principal, permit regular teachers to be absent from school, without loss of pay, for three days in any school year, for the purpose of visiting other schools. Such teachers shall within ten days thereafter transmit through the principal to the District Super-

intendent written reports of the results of their observations of the work in the schools visited. Such absence shall not be regarded as absence from duty, but shall be reported by the principal as provided in these by-laws.

4. Teachers' absences from duty may be excused without pay by the Local School Boards, on written application, indorsed by the principal and the District Superintendent. No such absence, however, shall be excused for more than one month without the approval of the Board of Superintendents.

5. Applications for excuse for absence with pay, in elementary schools, shall be made to the proper Local School Board. Such absence may be excused with pay by the proper Local School Board, subject to the approval of the Board of Superintendents, for any of the following reasons:

- (a) Serious personal illness.
- (b) Death in the teacher's immediate family.
- (c) Compliance with the requirements of a court.
- (d) Quarantine established by the Board of Health.

Absence on account of the requirements of a Committee of the Board of Education, of the City Superintendent, of the Board of Superintendents, or of the Board of Examiners shall not be considered absence from duty, but such absences shall be recorded in the school time-book, as provided in subdivision 11 of Section 42, and shall be recorded in the monthly report.

6. Applications for excuse for absence with pay, caused by personal illness, must be indorsed by the principal and by the District Superintendent assigned to the school, and must be accompanied by a physician's certificate, together with a statement by the principal giving the teacher's length of service in the schools of the City and the number of days' absence from school duty during each of the preceding three years.

7. No excuse for absence with pay shall be granted unless the

application be made within thirty days from the termination of such absence. No excuse for absence with pay shall be granted in advance. Absence under clause (a) shall be excused with pay for not more than twenty school days in any school year, unless by a unanimous vote of the Board of Superintendents, and in no case for a longer period than six months.

8. Absences of principals may be excused in the same manner as those of regular teachers.

9. Applications from teachers of special branches in the elementary schools for excuse of absence, with or without pay, shall be indorsed by the Director and the District Superintendent, and shall be made to the Board of Superintendents.

10. The Board of Education shall determine whether and to what extent excuses for absence with pay shall be granted to principals and teachers in schools that have been closed by its orders.

11. The Board of Superintendents shall have power to grant leave of absence without pay of any kind to principals and teachers for a period not to exceed one year, for purposes of study or restoration of health; and all such absences granted shall be immediately reported by the City Superintendent to the Board of Education.

12. A teacher or principal who shall have been absent without leave for a period longer than one hundred school days shall be suspended without pay, and charges shall be preferred against such teacher or principal for neglect of duty. A teacher or principal so suspended may be reinstated only by a majority vote of the Board of Education, upon the recommendation of the Board of Superintendents.

13. Absence from duty on the part of a principal or teacher for a period of one hundred and fifty school days within one school year shall be deemed neglect of duty under Section 1093 of the Charter.

ELEMENTARY DAY SCHOOLS

SEC. 44. 1. The public schools shall be open for the admission of children above four years of age residing in the City. No child under six years of age shall be received in said schools except in kindergarten classes.

2. Pupils shall be admitted only on Monday in any week, except during the first two weeks after the opening of the schools in September, and also except during the week preceding the opening of the schools in said month, in which week, from Wednesday to Friday, inclusive, the principal, head of department and clerks of each school shall be in attendance from 9 A.M. to 3 P.M. daily, to admit new pupils, to issue transfers, etc. The class teachers shall report on Friday of the same week at 9 A.M. to receive supplies and to make other necessary preparations for the prompt opening of school work on the following Monday. Failure to be in attendance on any of the days specified in this subdivision shall be considered absence from duty.

3. All the schools under the jurisdiction of the Board shall be opened with reading a portion of the Holy Scriptures, without note or comment.

4. The schools shall be formally opened in the morning at the precise time fixed by the Board; and all teachers shall be in their classrooms at least twenty minutes before such time, to receive the pupils and preserve good order.

5. No child under five years of age shall be admitted to a kindergarten class unless the number of applicants above that age is insufficient to fill the class. The admission of pupils to kindergarten classes and the regulation of recesses shall be under the direction of the principals of the schools in which such classes are established.

6. In admitting a new pupil, the principal shall ascertain and record the birth date of such pupil. The principal shall require the person in parental relation to the child to produce a certificate from the Department of Health, a passport, a baptismal certificate, or other satisfactory evidence of the date of birth.

When such evidence is not immediately available, the child, if apparently over eight years of age, shall be admitted on condition that the necessary record of birth be produced. When such evidence of birth is not produced and the child afterward applies for a certificate of school attendance in order to obtain a permit to go to work, such certificate may be withheld until evidence is produced that he is of the requisite age.

A child who in the opinion of the principal is not six years of age shall not be admitted to the grades of the elementary school until the requisite evidence of school age shall have been produced.

A child shall not be admitted to a kindergarten until the requisite evidence of age shall have been produced.

7. In no kindergarten class shall the register number of children exceed forty, and in no class in elementary schools shall the number on roll exceed fifty without the permission of the Board of Superintendents.

8. The school exercises of morning kindergartens shall begin at 9 A.M. and close at 12 M. The school exercises of afternoon kindergartens shall begin at 1 P.M. and end at 3.30 P.M., except that the Board of Superintendents may, in cases where said Board may consider it advisable, permit the afternoon session to begin at 12.30 P.M. and end at 3 P.M. When, in any school, an afternoon kindergarten is maintained, the teacher of the morning class shall report for service from 1 P.M. to 2 P.M., and the teacher of the afternoon class shall report for service from 10.30 A.M. until 11.30 A.M. No child shall be permitted to attend a kindergarten class more than one session per day.

9. Teachers should be in their classrooms at least ten minutes before the opening of the afternoon session.

10. The school exercises of all classes on full time shall begin at 9 A.M. and end at 3 P.M. There shall be an intermission of one hour at noon, during which all pupils shall be permitted to go to their homes. The school exercises of morning part-time classes shall begin at 8.30 A.M. and end at 12.15 P.M.; those of afternoon classes shall extend from 12.30 to 4.15 P.M.

In classes on full time, no class exercise shall take place before 9 A.M. nor after 3 P.M., unless as otherwise hereinafter authorized, and no pupils shall be detained after 3.30 P.M.

The Board of Superintendents may, under special circumstances, permit the lengthening of the noon intermission to seventy-five minutes, in which case the afternoon session shall be continued till 3.15.

11. In classes of the first three years there shall be a recess of ten minutes in the forenoon; and during such recess no child shall be detained in a classroom except on account of illness, insufficiency of clothing or inclement weather. In all part-time classes of the first three years there shall be a recess of ten minutes at the middle of the session.

12. Teachers of morning part-time classes shall assist the afternoon teachers from 1.15 to 2.30 P.M. Teachers of afternoon part-time classes shall assist the morning teachers from 10 to 11.15 A.M.

13. Resignations of principals and teachers and of all other members of the teaching staff shall be made to the City Superintendent of Schools.

14. Recitations of a patriotic nature shall form a part of the opening exercises at least once a week, and the singing of a patriotic song at least twice a week.

15. No public exhibition requiring special preparation shall be given in any school or department oftener than once during each term, except by permission of the Board of Superintendents. No public exhibition or entertainment by public school children shall be given outside the school building without the consent of the Board of Education.

16. No change in organization of classes or assignment of teachers involving a change in salary shall be made without the approval of the Board of Superintendents.

17. Collections of money from pupils for presentations, gifts or any other purpose shall not be allowed, unless by permission of the

Board of Education; and no canvassing for books or other publications shall be allowed in the schools.

VACATIONS AND HOLIDAYS

SEC. 45. 1. The vacations and holidays allowed in the public schools shall be as follows: Every Saturday throughout the year; the week in which the day commonly known as Good Friday occurs; the twelfth day of February; the twenty-second day of February; any day appointed by the President of the United States or the Governor of the State for a public fast or thanksgiving, and the day thereafter; the twenty-fifth day of December, the first day of January and the intermediate days; the thirtieth day of May; election day; the day next following any day above specified when such latter day shall be Sunday, and the interval between the thirtieth day of June and the second Monday in September.

2. The closing exercises of the school year must be limited to the last five days of the term.

3. On the twelfth and on the twenty-second days of February, between the hours of 9 A.M. and noon, exercises appropriate to the day may be held in the schools, to which pupils and their parents and friends may be invited. Principals may make suitable arrangements for holding such exercises. If principals prefer not to hold such exercises on either of the days mentioned, appropriate exercises may be held on the preceding day, but shall not begin before 2.15 P.M.

VACCINATION

SEC. 46. 1. No pupil shall be allowed to attend any school, nor shall any teacher be employed in the same, unless such pupil or teacher has been vaccinated.

2. Every principal of a school shall require a certificate of a physician in good standing as evidence of such vaccination as a requisite for the admission of a pupil or his continuance in school; he shall enter in the register of the school the dates, as nearly as

possible, of the respective vaccinations of the pupils and teachers; he shall co-operate with such agents of the Board of Health as may be authorized to visit the schools for the purpose of examining and vaccinating the pupils, and shall require a revaccination of all pupils and teachers ascertained by said agents not to be fully protected by a former vaccination; no pupil refusing to be revaccinated shall be permitted to attend any public school until such requirement is fully complied with.

CORPORAL PUNISHMENT PROHIBITED—SUSPENSION OF PUPILS

SEC. 47. 1. No corporal punishment shall be inflicted in any of the public schools.

2. It shall be the duty of every principal, District Superintendent, and Associate Superintendent, when cognizant of the fact, to report to the Board of Superintendents the name of any teacher who may have resorted to unusual punishments tending to inflict physical injury, or to evade the by-law prohibiting corporal punishment in the schools under the control of the Board of Education.

3. Any pupil found to be incorrigible or persistently disobedient to or regardless of the rules and regulations prescribed for the government of the school or class, or who has been irregular in attendance, may be suspended by the principal, with the approval of the District Superintendent. Before suspending a pupil for such cause, the principal shall give notice of his intention to the parent or guardian of such pupil and shall notify the District Superintendent.

4. Any pupil who resists the authority of the principal or class teacher, or who by reckless depravity may injure or demoralize the school or class, may be immediately suspended by the principal, who shall forthwith notify the parent or guardian of such pupil and the District Superintendent.

5. The District Superintendent, within five days after receiving a report from a principal concerning the suspension of a pupil, shall give reasonable notice of a hearing to such child, and to the persons in parental relation to such child, and an opportunity

for them to be heard. After a hearing, the District Superintendent shall report his findings in the case to the City Superintendent, who may authorize the expulsion of such pupil and order his commitment to a truant school, in accordance with the provisions of the Compulsory Education Law, or his transfer to another school or his reinstatement.

6. Every child shall be required to attend the school nearest his residence, unless permission to attend some other school is granted by the City Superintendent, or as he may direct.

PUPILS' CLASS STANDING

SEC. 48. 1. Every class teacher in an elementary school shall determine and record, at the close of each month, the standing of each of his pupils. The rating in every case shall be based solely upon the pupil's ability to take up advanced work as shown by his success in the work already done.

2. The ratings made at the end of any month after the first shall summarize all previous ratings. Those made at the end of the fifth month shall represent the pupil's standing for the term.

3. The ratings employed shall be: Satisfactory (A, excellent; B, good); unsatisfactory (C, poor; D, bad).

4. Every principal shall see that all pupils in his school are properly rated, and that all ratings are properly recorded.

5. The ratings of all pupils in grades above the second year, for every month except the month of June, shall be regularly reported to their parents or guardians on or before the fourth day of the succeeding month. The ratings for the month of June shall be reported on or before the last day of the school term.

6. Each pupil's monthly report card shall become his property at the end of the term or when he leaves school.

7. A card containing the ratings to date shall be issued to each child in any grade below the third year when he leaves to enter another public school.

8. When a principal admits a pupil from another public school, he shall place said pupil in the grade indicated by the report card.

PROMOTION OF PUPILS

SEC. 49. 1. Promotion within a school shall be made by the principal; and promotions from one elementary school to another elementary school of higher grade shall be made by the principal of the lower school.

2. Promotions shall be made, as far as possible, upon the principals' and class teachers' knowledge of the proficiency of the pupils; in determining which pupils shall be promoted, the principal may be guided by the recorded estimates provided for in Section 48.

3. When the principal is in doubt as to the proficiency of a pupil, or in case a parent or guardian is dissatisfied with a pupil's non-promotion, such pupil's proficiency shall be determined by an examination in the prescribed studies.

4. Whenever a pupil is examined for promotion, the principal shall preserve a record of such examination, such record to consist of the questions given, the pupil's work, and the results.

5. Before each regular promotion, the principal of each school shall record in a book to be prepared by the City Superintendent the condition of every class in the prescribed branches of study.

6. Where a principal is unable to provide sittings for the pupils promoted within his school, and cannot locate them in neighboring schools, he shall promptly report the facts to the District Superintendent, whose duty it shall be to provide by transfer or otherwise, as may be deemed expedient, for the speedy and proper accommodation of such pupils.

7. At any time during the school term a pupil may, when found qualified, be promoted to the appropriate grade.

8. A pupil may be reduced in grade by a principal, for proper cause, but all such cases shall be immediately reported to the District Superintendent, who, when necessary, shall have the right to restore such pupil to the grade from which he was removed. He shall report all cases in which he has reversed the action of a principal to the City Superintendent.

ORGANIZATION OF ELEMENTARY SCHOOLS

SEC. 50. 1. Each elementary school shall be divided into classes. A class shall be understood to mean the number of pupils, whether of like grade or not, placed under the care of one teacher.

2. For purposes of organization and supervision, elementary schools shall be divided into the following orders:

First Order: Schools having forty-eight or more classes.

Second Order: Schools having from twenty-eight to forty-seven classes.

Third Order: Schools having from twelve to twenty-seven classes. (When necessary a group of small schools may be regarded as a school of the third order.)

Fourth Order: Schools having from six to eleven classes.

Fifth Order: Schools having less than six classes.

3. The number of classes in a school shall be determined by the Board of Superintendents. The number of teachers shall not exceed the number of classes except as determined in this section. Subject to the approval and direction of the Board of Superintendents, the principal shall assign teachers to class duty, unless increase or diminution of salary is involved in such assignment.

4. All schools of the first, second and third orders shall be placed under the administration of a principal (a person holding a principal's license) who shall not be required to teach a class, but this provision as to license shall not affect the status of persons appointed as principals prior to February 3, 1902, and now serving in such capacity.

5. Schools of the fourth order shall be placed under the administration of a principal who may be required, at the discretion of the Board of Superintendents, to teach a class. Such principals shall hold a head of department or a higher license.

6. Schools of the fifth order shall be under the administration of a class teacher, selected by the Board of Superintendents, who shall be designated the senior teacher.

7. In schools of the first, second and third orders, one teacher

in excess of the number of classes may be appointed, whose duty it shall be to teach a class in the absence of a class teacher, and to perform such clerical work as the principal shall determine. A person holding a substitute or a higher license, but not eligible for appointment as a regular teacher, may be assigned by the Board of Superintendents as an additional teacher for a specified period, not to exceed one year.

8. In schools of the first order, two assistants to the principal, and in schools of the second order, one assistant to the principal, may be appointed, who shall perform such supervisory, teaching and clerical work as the principal, subject to the approval of the Board of Superintendents, shall direct. In a school of over sixty-seven classes, a third assistant to the principal may be appointed. Such assistant to the principal shall hold a head of department or a higher license.

9. In schools of the third order, in which one principal has charge of an elementary school and a high school department, there may be one assistant to principal for the elementary school if it has twelve or more classes.

10. In case there is in any elementary school a head of department, or assistant to principal, or clerk, or additional teacher in excess of the number allowed by these by-laws, such head of department, or assistant to principal, or clerk, or additional teacher, shall be transferred to vacancies, without reduction of salary, in the inverse order of appointment as such. In schools, however, in which the number of heads of department, or the number of clerks, or of both, does not exceed the total number of additional teachers and assistants to principals allowed by these by-laws, such transfers shall not be required by this section; and in all cases persons acting as clerks shall be assigned to class duty before any one appointed as assistant to principal or head of department.

11. Persons who, at the time of the passage of this by-law, are acting as assistants to principals (not first assistants or general assistants), provided they were appointed as such prior to Feb-

ruary 1, 1898, or provided they held the rank prior to that date of first assistant or vice-principal, shall at once become entitled to the rank and pay of assistant to principal.

HIGH SCHOOLS

Sec. 51. 1. High schools may be established as the Board of Education may from time to time determine and as the appropriations may permit. Upon the written recommendation of the Board of Superintendents, the grade of classes of any high school may be changed by the Board of Education, and upon the same recommendation classes or high schools may be consolidated.

2. Principals of high schools shall be appointed on nomination of the Board of Superintendents. The Committee on High Schools and Training Schools, on the recommendation of the Board of Superintendents, shall determine when the service of such principals shall begin.

3. First assistant, assistant and junior teachers shall be appointed on the nomination of the Board of Superintendents from the list of teachers eligible for service in the positions to be filled, in conformity with Section 1090 of the Charter.

4. The session of the high schools shall be five hours in length, beginning at 9 A. M., except as hereinafter provided. There shall be an intermission of not less than thirty minutes, which, with the approval of the Board of Superintendents, may be extended to not more than sixty minutes. When, because of increase in registration, it becomes necessary to extend the session, such session may begin at 8.30 A. M. and continue not later than 5 P. M. The organization of classes in such extended session shall provide for each pupil the number of recitation periods per day and per week required by the courses of study in high schools.

5. The vacations and holidays allowed in the high schools of the City shall be the same as those prescribed for the elementary schools. Pupils shall be admitted only on Monday in any week, except during the week preceding the opening of schools in Sep-

tember, in which week, from Wednesday to Friday, inclusive, the principal, first assistants, and clerks of each school shall be in attendance from 9 A.M. to 3 P.M. daily, to admit new pupils, to issue transfers, etc. All teachers shall report on Friday of the same week at 9 A.M. to receive supplies and to make other necessary preparations for the prompt opening of school work on the following Monday. They shall also attend on Wednesday and Thursday in said week, if required by the principal. Failure to attend on any of the days specified in this subdivision shall be considered absence from duty.

6. Pupils who have satisfactorily completed the course of study of the elementary schools, and who are at least thirteen years of age, may be admitted to the high schools on presentation of a certificate from the principal of the elementary school to the effect that the pupil is qualified to enter the high school. These certificates must be approved by the District Superintendent, in accordance with regulations to be prescribed by the Board of Superintendents. At least one week before the close of each term, the principal of each elementary school having classes of the highest grade shall compile a list of the pupils of his school who have completed the elementary course of study, to the satisfaction of the principal and the District Superintendent. There shall be a separate list for each high school which candidates desire to enter, and the names on each list shall be arranged in order of merit. With this list he shall forward the application of each pupil upon a form signed by the parent or guardian.

7. Candidates from schools other than the elementary schools of New York City, who are residents of the City, including pupils who have been discharged from the high school department of institutions in The City of New York, may be admitted to the high schools on passing an examination conducted under the direction of the principals of the schools at the beginning of each term.

8. When the accommodations for qualified applicants for admission to a given school are insufficient, the proportion of candidates selected from the several lists in the order of standing shall

be uniform. On the opening day of each term the places of pupils not presenting themselves in conformity with the certificate of their parents may be filled by those pupils next in rank upon the lists of the District Superintendents.

9. A pupil may be transferred from one high school to another on the written order of the City Superintendent.

10. The principal shall assign classes to the several teachers in accordance with their respective licenses and supervise the instruction in the several branches of study. In case of necessity he may also, subject to the approval of the City Superintendent, temporarily assign to such teachers classes in subjects other than those for which they hold licenses.

11. A District Superintendent may be assigned to high schools; and he shall have such powers and perform such duties in respect to them as the City Superintendent may prescribe.

12. Every teacher absent from duty shall report promptly in writing to the principal of the school the cause of such absence, and shall state its probable duration.

13. The City Superintendent may permit any principal, who may apply for permission, to be absent, without loss of pay, from his or her school, for not more than five days in any school year, for the purpose of visiting other schools. Such principal shall report to him in writing the results of his or her observations of schools so visited. Such absence shall not be regarded as absence from duty, but shall be reported as provided in these by-laws.

14. Teachers' absences from duty may be excused without pay by the Committee on High Schools and Training Schools, on written application, indorsed by the principal and the City Superintendent.

15. Applications for excuse for absence with pay, when approved by the Board of Superintendents, shall be made to the Committee on High Schools and Training Schools. Excuse for absence with pay may be granted by said Committee for the same reasons and for the same periods as in the case of teachers in elementary schools.

16. Requisitions for school supplies and apparatus shall be made by the principal upon the Superintendent of School Supplies. Such requisitions shall be subject to the approval of the Associate City Superintendent in charge of high schools.

17. Promotions in high schools, graduation from high schools, and the management and discipline in high schools shall be conducted under such rules and regulations as the Board of Superintendents may adopt.

18. Students shall be graduated from high schools upon completing the course of study to the satisfaction of the principal and faculty under rules and regulations to be approved by the Board of Superintendents, and shall receive diplomas signed by the principal, the City Superintendent and the President of the Board of Education.

19. Appropriations made for libraries and apparatus, and like sums received from the State of New York through the Regents of the University for similar purposes, shall be apportioned to the several high schools by the Committee on High Schools and Training Schools. Requisitions for library books and apparatus chargeable to this fund shall be made by the principals of the several high schools from lists prepared by the Board of Superintendents, approved by the Committee on High Schools and Training Schools, and by the Regents of the University. Said requisitions shall be made upon the Superintendent of Supplies when approved by the Associate City Superintendent in charge of high schools. Other funds apportioned by the State to high schools shall constitute an incidental fund for the several high schools to which such funds are apportioned, and shall be used for such purposes as the Committee on High Schools and Training Schools shall direct.

TRAINING SCHOOLS

SEC. 52. 1. There shall be in each training school a principal, first assistants, and assistant teachers; and in each model school a principal and such model and critic teachers as may be necessary.

2. There shall be established, in connection with each training

school, a model school for observation. This model school shall be under the direction of the principal of the training school.

3. The course of study in training schools shall be two years in length; one and one-half years of this time shall be devoted to theory and observation, and one term to practice. The practice teaching shall be done in the elementary schools, and after the student shall have passed the examination for license No. 1 and shall have been given a substitute's license. Students holding substitute licenses shall be assigned to elementary schools by the principals of training schools, under the direction of the Board of Superintendents. In these schools they shall render service in place of absent teachers, and by assisting in the teaching of large classes when regular teachers are not absent. Such students shall report at least once a week to the principals of their respective training schools for criticism and advice. For each day of actual teaching service in elementary schools, either in substituting or assisting, they shall receive pay at the rate of one dollar and a half per day. Principals of schools to which such students are assigned shall report their service to the principals of training schools, who shall prepare the necessary payroll.

4. Admissions to training schools shall be under regulations prescribed by the City Superintendent in accordance with the provisions of Chapter 1031 of the Laws of 1895.

5. Requisitions for supplies shall be made by the principal and indorsed by the Associate Superintendent in charge.

6. Students shall be graduated from training schools upon completing the course of study to the satisfaction of the principal and faculty, under rules and regulations approved by the Board of Superintendents, and shall receive diplomas signed by the principal, the City Superintendent, and the President of the Board of Education.

7. Every teacher absent from duty shall report promptly in writing to the principal of the school the cause of such absence, and shall state its probable duration. When visiting other schools for the purpose of carrying out the course of study or observation,

principals and teachers shall not be regarded as absent from duty, and the City Superintendent may require reports of such visitation at any time he may deem proper.

8. Teachers' absences from duty may be excused without pay by the Committee on High Schools and Training Schools, on written application, indorsed by the principal and the City Superintendent.

9. Applications for excuse for absence with pay, when approved by the Board of Superintendents, shall be made to the Committee on High Schools and Training Schools. Excuse for absence with pay may be granted by said Committee for the same reasons and for the same periods as in the case of teachers in elementary schools.

COMPULSORY EDUCATION

SEC. 53. 1. The City Superintendent shall enforce the Compulsory Education Law and shall nominate attendance officers to the Board of Education, and shall direct such officers in their duties.

2. He may suspend or discharge any such officer for cause, but such officer shall have the right of appeal to the Board of Education.

3. The principal of every school, when he shall have reason to believe that the absence from school of a pupil of school age is due to truancy, shall notify the parents or guardians of said pupil by mail or otherwise, and if the pupil is not returned to school promptly by his parents or guardians, or if a satisfactory explanation of his absence is not made, said principal shall report the case to the attendance officer for the district in which the school is situated. Said attendance officer shall use all lawful means to secure the return of said pupil to punctual attendance at school. Should said pupil prove incorrigible, he shall be dealt with according to law.

4. The principal of every school shall keep a record, in a register provided for that purpose, of all children of school age who have

been reported to the attendance officer, together with an accurate record of the disposition of each. He shall also enter in said register the names of all children not already registered as pupils in his own school, who may be brought to said school by an officer pursuant to the provisions of the Compulsory Education Law.

5. When an attendance officer, acting under the direction of the City Superintendent, shall bring to a school any child between the ages of eight and sixteen years, not registered as a pupil of said school, the principal shall admit said child to the school.

6. The principal of every school shall transmit to the City Superintendent, at the close of each week, a list of the children, if any, between eight and sixteen years of age, who, such principal shall have reason to believe, have left the school for the purpose of engaging in any employment. The principal shall state the home address of every child so reported, and shall state whether or not the child is entitled to a certificate of attendance in accordance with law.

7. It shall be the special duty of attendance officers to procure the required attendance of the children between eight and sixteen years of age, within their respective districts and elsewhere in the City, at some public or private school or upon other instruction as legally prescribed, and to carry out and enforce the Compulsory Education Law, and to do so by means of argument and persuasion and by means other than force, if the same can be done. The attendance officer shall arrest without warrant any child between eight and sixteen years of age whom he may find wandering about the streets of the City during school hours, as a truant, and shall forthwith deliver such child so arrested to the custody of a person in parental relation to the child or a teacher from whom such child is then a truant. In the case of habitual and incorrigible truants, the attendance officer shall immediately notify the City Superintendent, who shall order a hearing, due notice of which shall be served upon such child and a person in parental relation to such child. After the child and the person in parental relation to said child have been heard and after the City Superintendent is satisfied

that such child is a habitual and incorrigible truant, he may, with the written consent of the person in parental relation to the child, order such child to be confined in a truant school. In case the person in parental relation to such child does not give consent, then the child shall be taken before a police magistrate according to law. No child, however, shall be brought by an attendance officer before a magistrate for commitment, or caused by him to be placed in any institution, until the parents have been notified. Every attendance officer shall devote his whole time to his duties. It shall be the duty of attendance officers to inquire into the employment of children between eight and fourteen years of age in their several districts and to report all violations of the Compulsory Education Law to the City Superintendent.

8. The attendance officers shall meet once each week, at such time and place within their several Boroughs as the City Superintendent may direct, and said attendance officers and each officer shall at each of such meetings, and from time to time, report to the City Superintendent all matters done by him or which may have come to his knowledge relating to the carrying out and enforcing the provisions of the Compulsory Education Law.

9. The Committee on Special Schools shall have charge of all matters coming under the requirement of the law to provide for the compulsory education of children. Said Committee shall from time to time, on the recommendation of the Board of Superintendents, divide the Boroughs of the City into attendance districts, and cause to be furnished all necessary books, blanks and other supplies required by the City Superintendent for the Department of Compulsory Education.

10. Truant schools for the City at large shall be established from time to time by the Board of Education, and the Committee on Special Schools, on the recommendation of the Board of Superintendents, shall determine the number of classes to be formed and the course of study to be pursued.

11. The pupils in said truant schools shall be subject to such rules and regulations as to discipline and duties as shall be pre-

scribed by the Committee on Special Schools, on the recommendation of the City Superintendent.

12. A pupil under commitment to a truant school may be paroled by the City Superintendent whenever, in his judgment, the best interests of the child under commitment seem to warrant it.

13. Every attendance officer absent from duty shall report promptly in writing to the City Superintendent the cause of such absence, and shall state its probable duration.

For each day of absence, one-thirtieth of a month's pay shall be deducted, unless such absence is excused by the Committee on Special Schools on the recommendation of the City Superintendent. Applications for excuse for absence with pay shall be made to the Committee on Special Schools. Such absence may be excused with pay for any of the following reasons:

- (a) Serious personal illness.
- (b) Death in the officer's immediate family.
- (c) Compliance with the requirements of a court.
- (d) Quarantine established by the Board of Health.

No excuse for absence with pay shall be granted unless the application be made within thirty days from the termination of such absence. Absence under clause (a) shall be excused with pay for not more than twenty days in any calendar year, unless by unanimous vote of the Committee on Special Schools, and in no case for a longer period than six months.

14. Vacations without loss of pay shall be granted to attendance officers by the Committee on Special Schools on the recommendation of the City Superintendent, but such vacations shall not exceed thirty days in one calendar year, exclusive of legal holidays.

EVENING ELEMENTARY SCHOOLS

SEC. 54. 1. The object of the evening elementary schools shall be to give instruction in the branches of knowledge taught in the elementary day schools and to teach the English language to foreigners.

2. Evening elementary schools shall be established in such school

buildings and other places as the Committee on Special Schools, upon the recommendation of the Board of Superintendents, shall determine. Boys and girls shall not be permitted to attend school in the same building; in special cases, however, the Committee on Special Schools, upon the recommendation of the Board of Superintendents, may authorize the organization of boys' classes and girls' classes in the same building.

3. Pupils in evening elementary schools shall be classified as follows:

- (a) Senior pupils.
- (b) Junior pupils.
- (c) English-speaking adults.
- (d) Foreigners studying English.

Pupils shall be admitted to senior classes upon the presentation of certificates showing that they have completed the work of the elementary day schools. Candidates under the age of eighteen years who cannot present such certificates shall be required to pass a satisfactory examination in the subjects comprised in the fifth year of the day schools. Candidates over eighteen may be admitted without examination. Applicants under eighteen years of age, ineligible to admission to senior classes, shall be admitted to junior classes.

In junior classes there shall be one session, continuing in schools for boys from 7.30 to 9.30 P.M., and in schools for girls from 7.15 to 9.15 P.M. In the other classes there shall be two sessions of one hour each. No pupil shall be admitted to a junior class later than one-half hour after the time set for the beginning of school work; nor to a senior class later than fifteen minutes after the beginning of each session.

4. The Board of Superintendents shall nominate to the Executive Committee, at its first regular meeting in June, principals, assistant teachers, additional teachers and substitute teachers for the evening schools, and the Executive Committee shall have power to confirm or reject such nominations. An assistant teacher shall be appointed for every thirty pupils in average at-

tendance during the preceding term of the evening schools held in the same building. When new schools are opened an assistant teacher shall be appointed for every forty pupils registered previous to the first night of the term. Additional teachers may be employed whenever the average attendance for one week is in excess of thirty-five pupils to a teacher.

All nominations of members of the teaching staff in evening elementary schools shall be made in order of standing from the appropriate eligible lists prepared by the Board of Examiners; provided, however, that the Board of Superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible list.

A license as principal of an elementary day school or as assistant to principal or as head of department shall qualify the holder for appointment as principal of an evening elementary school.

5. When a class is deprived of its teacher by resignation or other cause, the principal may designate a licensed teacher who shall serve as substitute until the return of the regular teacher or until an appointment is made.

6. When an evening school contains fifteen classes, it shall be entitled to an assistant teacher who need not teach a class, but who shall perform such duties as the principal of the school may direct. For thirty classes or more two such assistants may be allowed.

7. There shall be two evening school terms each school year. The first term shall begin on the first Monday of October and continue for ten weeks; the second term shall begin on the day on which the day schools resume their sessions in the month of January and continue for such period as the Executive Committee, on the recommendation of the Committee on Special Schools, shall determine. Evening schools shall be closed on the days on which day schools are closed within these periods.

8. The principal and such assistant teachers as the Board of Superintendents may designate shall be in attendance at the school building each evening during one week previous to the first term,

between the hours of 7 and 9.30 o'clock, for the examination, registration and classification of pupils applying for admission.

9. No person shall be admitted to an evening school unless his age or occupation is such as to prevent his attending a day school.

10. In the case of persons less than eighteen years of age, applications for registration shall be made by parents or guardians. If the applicant has neither parent nor guardian, satisfactory proof of character and intention to attend the evening schools during the term shall be required, and such proof shall be made matter of record. Every accepted applicant shall receive a card of admission.

11. The principal shall keep a record of the name, age, residence, occupation, name of parent or guardian, attendance and scholarship of the pupils, and shall report at the close of each term to the City Superintendent the whole number taught, with the average attendance for the term. He shall also make such other reports as the City Superintendent shall require. No pupil shall be marked or counted as present who does not remain in school to the end of the session, unless obliged to leave earlier on account of sudden illness.

12. The principal shall furnish to each pupil the necessary books and stationery, and he shall keep an account of the same, and hold the pupil responsible for their proper use and return. At the close of the second term the principal shall make duplicate copies of an inventory of all books and other school supplies on hand, with a statement of the condition of the same. One copy of such inventory shall be left with the janitor of the school and the other shall be deposited in the office of the Superintendent of School Supplies.

13. The principal may discharge a pupil for disobedience or improper conduct.

14. No corporal punishment shall be inflicted in any evening school.

15. No lecture, exhibition, or any other departure from the

usual order of exercises shall be permitted by the principal, except as herein provided. Subject to the approval of the District Superintendent in charge, the last half-hour of each week may be devoted to singing and to lectures, talks or readings upon hygiene, food, clothing, home economy and other appropriate topics.

16. Supplies for the evening schools shall be provided in the manner prescribed for the elementary day schools.

17. Under the direction of the City Superintendent, the District Superintendents shall supervise the work of the evening schools, and make reports of such supervision, which shall be filed.

18. Certificates shall be awarded by the principal for regular and punctual attendance and correct deportment, specifying also the grade of scholarship attained by the pupil.

19. When the attendance of the junior or senior classes of a school, for the period of two weeks, is less than an average of twenty pupils to a teacher, it shall be the duty of the principal to report in writing the fact to the Board of Superintendents and to the Committee on Special Schools, stating the names of the teacher or teachers whose classes can be consolidated or discontinued and the reason therefor. Said Committee shall, upon consultation with the City Superintendent, decide which teacher or teachers shall be discharged.

20. Local School Boards shall exercise the same functions with regard to evening elementary and high schools within the several school districts as they do in the case of elementary day schools, except in the matter of excusing the absences of teachers and of transferring teachers from school to school.

EVENING HIGH SCHOOLS

SEC. 55. 1. Evening high schools shall be established in such school buildings and other places as the Committee on Special Schools, upon the recommendation of the Board of Superintendents, shall determine. Boys and girls shall not be permitted to attend school in the same building.

2. Evening high schools shall begin their sessions on the fourth Monday in September, and shall continue for one hundred and twenty nights, exclusive of all holidays and of the period intervening between the sixtieth night and the day upon which the day schools resume their sessions in the month of January, as provided by these by-laws.

3. Each evening shall be divided into two equal sessions, the first beginning at 7.30 o'clock and the second ending at 9.30 o'clock; and no pupil shall be permitted to enter a classroom later than 7.35 o'clock in the first session or 8.35 o'clock in the second session. Teachers shall be present a quarter of an hour before the regular time of beginning school exercises, to receive pupils and make all necessary preparations for the work of the evening.

4. No applicant shall be admitted unless he shall present a certificate stating that he has completed the studies of the elementary schools, or passes an equivalent examination. The applicant shall also present satisfactory evidence of good moral character.

5. When the average attendance of any class, for the period of two weeks, shall be less than fifteen each hour, the Committee on Special Schools shall have power, in its discretion, to discontinue said class and to discharge the teacher.

6. In addition to the principal, there shall be such assistant teachers as may be required in evening high schools, and the Board of Superintendents shall nominate to the Executive Committee, at its first regular meeting in June, principals and the necessary instructors and substitutes to conduct said schools.

All nominations of members of the teaching staff in evening high schools shall be made in order of standing from the appropriate eligible lists prepared by the Board of Examiners; provided, however, that the Board of Superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible list.

A license as principal of an elementary day school or as first

assistant in a day high school, or as assistant teacher in a day high school provided the holder possesses the qualifications requisite for license as first assistant, shall qualify the holder for appointment as principal of an evening high school.

7. When a class is deprived of its teacher by resignation or other cause, the principal may designate a licensed teacher, who shall serve as substitute until the return of the regular teacher or until an appointment is made.

8. The principals and such assistant teachers as the Board of Superintendents may designate shall be in attendance at the school building each evening during two weeks previous to the opening sessions, between the hours of 7 and 9.15 o'clock, for the examination, registration and classification of pupils applying for admission.

9. At the close of the term the principal shall make duplicate copies of an inventory of all books and other school supplies on hand, with a statement of the condition of the same. One copy of such inventory shall be left with the janitor of the school, and the other shall be deposited in the office of the Superintendent of School Supplies.

VACATION SCHOOLS AND PLAYGROUNDS

SEC. 56. 1. Vacation schools and playgrounds shall be established and conducted in such school buildings and other places as the Committee on Special Schools, upon the recommendation of the Board of Superintendents, may determine.

2. Vacation schools and playgrounds shall be opened on the Monday following July 4, in each year, or on such date prior thereto as shall be determined by the Committee on Special Schools, and shall continue for such period as may be determined by said Committee.

3. Nominations of directors, principals, teachers and assistants shall be made to the Executive Committee not later than the first regular meeting in May.

2. Evening high schools shall begin their sessions on the fourth Monday in September, and shall continue for one hundred and twenty nights, exclusive of all holidays and of the period intervening between the sixtieth night and the day upon which the day schools resume their sessions in the month of January, as provided by these by-laws.

3. Each evening shall be divided into two equal sessions, the first beginning at 7.30 o'clock and the second ending at 9.30 o'clock; and no pupil shall be permitted to enter a classroom later than 7.35 o'clock in the first session or 8.35 o'clock in the second session. Teachers shall be present a quarter of an hour before the regular time of beginning school exercises, to receive pupils and make all necessary preparations for the work of the evening.

4. No applicant shall be admitted unless he shall present a certificate stating that he has completed the studies of the elementary schools, or passes an equivalent examination. The applicant shall also present satisfactory evidence of good moral character.

5. When the average attendance of any class, for the period of two weeks, shall be less than fifteen each hour, the Committee on Special Schools shall have power, in its discretion, to discontinue said class and to discharge the teacher.

6. In addition to the principal, there shall be such assistant teachers as may be required in evening high schools, and the Board of Superintendents shall nominate to the Executive Committee, at its first regular meeting in June, principals and the necessary instructors and substitutes to conduct said schools.

All nominations of members of the teaching staff in evening high schools shall be made in order of standing from the appropriate eligible lists prepared by the Board of Examiners; provided, however, that the Board of Superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible list.

A license as principal of an elementary day school or as first

assistant in a day high school, or as assistant teacher in a day high school provided the holder possesses the qualifications requisite for license as first assistant, shall qualify the holder for appointment as principal of an evening high school.

7. When a class is deprived of its teacher by resignation or other cause, the principal may designate a licensed teacher, who shall serve as substitute until the return of the regular teacher or until an appointment is made.

8. The principals and such assistant teachers as the Board of Superintendents may designate shall be in attendance at the school building each evening during two weeks previous to the opening sessions, between the hours of 7 and 9.15 o'clock, for the examination, registration and classification of pupils applying for admission.

9. At the close of the term the principal shall make duplicate copies of an inventory of all books and other school supplies on hand, with a statement of the condition of the same. One copy of such inventory shall be left with the janitor of the school, and the other shall be deposited in the office of the Superintendent of School Supplies.

VACATION SCHOOLS AND PLAYGROUNDS

SEC. 56. 1. Vacation schools and playgrounds shall be established and conducted in such school buildings and other places as the Committee on Special Schools, upon the recommendation of the Board of Superintendents, may determine.

2. Vacation schools and playgrounds shall be opened on the Monday following July 4, in each year, or on such date prior thereto as shall be determined by the Committee on Special Schools, and shall continue for such period as may be determined by said Committee.

3. Nominations of directors, principals, teachers and assistants shall be made to the Executive Committee not later than the first regular meeting in May.

4. The sessions of the vacation schools and playgrounds shall be as follows: For vacation schools, from 9 A. M. to 12 M., for five days in each week; for playgrounds, from 1 to 5.30 P. M., for six days in each week; for evening playcentres, from 7.30 to 10 o'clock. The Committee on Special Schools shall have power, in its discretion, to open school buildings for such part of the morning hours as it may deem proper.

5. Principals and teachers and assistants in playgrounds shall be in attendance fifteen minutes before the opening of each session. A record shall be kept by the principal of the time of arrival and departure of each principal and teacher.

6. No pupil over sixteen years of age shall be admitted to an afternoon playground, except to the gymnasium.

7. It shall be the duty of the principal and such assistants as may be designated to be in attendance at the school building on the three days previous to the opening from 9 A. M. to 12 M., to register and classify applicants for admission to the vacation schools, and from 1 to 5 P. M. to register pupils for admission to the playgrounds.

8. Principals may require that pupils applying for admission to vacation schools shall be accompanied by some responsible person or shall present a satisfactory certificate.

9. An assistant teacher in the vacation schools shall be assigned for every fifty pupils registered previous to opening. When the necessity exists for the formation of new classes, the principal shall notify the Superintendent in charge, giving the reasons. When the average attendance per class for the period of one week is less than twenty, the principal shall notify the Superintendent in charge, who may direct the discontinuance of said class or its consolidation with another class.

10. With the approval of the Committee on Special Schools, the Superintendent in charge shall have the power to assign or transfer teachers and assistants in playgrounds, or to discontinue the services of teachers or playground assistants, as may be necessary.

11. The principal shall keep a record of the admission and attendance of pupils, and shall make such reports as the City Superintendent or the Superintendent in charge shall require.

12. The necessary books and appliances shall be supplied to each principal, and he shall keep an account of the same. At the close of the term he shall have them properly packed and stored, and shall file with the janitor an inventory of the material on hand, and shall send duplicate copies of the same to the Superintendent of School Supplies and to the Superintendent in charge.

13. Requisitions for supplies shall be forwarded to the Superintendent of School Supplies on or before May 15, in each year. Supplies shall be delivered at school buildings before the first day of July, and receipted for by the janitor.

14. No corporal punishment shall be administered.

15. All members of the supervising force in vacation schools, vacation playgrounds, recreation centres, and swimming schools, shall make such reports, and all the members of the supervising and teaching force in said schools shall perform such duties, as the Superintendent in charge may, with the approval of the Board of Superintendents, direct.

16. The Committee on Special Schools shall have power to make additional rules and regulations for the government of vacation schools and playgrounds.

17. During the week previous to the opening of the session, supervising teachers, directors and playground assistants shall visit each school building in which a vacation school or playground is to be conducted, and shall report to the Superintendent in charge the condition of the building, supplies, etc.

18. All nominations of supervisors, principals, teachers, assistants, and all other members of the supervising and teaching staff in vacation schools, vacation playgrounds, recreation centres and swimming schools shall be made by the Board of Superintendents in order of standing from the appropriate eligible lists prepared by the Board of Examiners; provided, however, that the Board

of Superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible list.

19. It shall be the duty of the supervising teachers of the vacation schools and directors of playgrounds to hold conferences with teachers of special branches, direct and inspect the work of the same, and see that the classes are properly supplied with required material.

20. Local School Boards shall exercise the same functions with regard to vacation schools and playgrounds within the several school districts as they do in the case of elementary day schools, except in the matter of excusing the absences of teachers and of transferring teachers from school to school.

PAYROLLS

SEC. 57. 1. All payrolls of teachers shall be printed and shall state the following information in regard to principals and teachers:

- (a) Name.
- (b) Position.
- (c) Schedule (salary).
- (d) Grade (salary).

2. All payrolls of principals and regular teachers shall be prepared in the schools by the principals, or by the clerks under direction of the principals, and shall be filed in the office of the Auditor.

3. Payrolls of teachers of special branches in elementary schools shall be prepared under the direction of the Auditor from reports furnished by principals of the schools in which such teachers teach.

4. All deductions for absences as provided in Section 43 shall be made on the following plan:

On the payroll for January, from January 2 to January 20, both inclusive.

On the payroll for February, from January 21 to February 20, both inclusive.

On the payroll for March, from February 21 to March 20, both inclusive.

On the payroll for April, from March 21 to April 20, both inclusive.

On the payroll for May, from April 21 to May 20, both inclusive.

On the payroll for June and July, from May 21 to June 20, both inclusive.

On the payroll for August, from June 21 to the day on which the schools close, both inclusive.

On the payroll for September, from the day on which the schools open to September 20, both inclusive.

On the payroll for October, from September 21 to October 20, both inclusive.

On the payroll for November, from October 21 to November 20, both inclusive.

On the payroll for December, from November 21 to December 24, both inclusive.

5. All payrolls shall be transmitted to the Auditor after school hours on the 20th day of each school month. The payroll for the month of August shall be transmitted as soon as possible after the payment of salaries for the months of June and July.

6. Notice of appointments, transfers, promotions, and approvals of service shall be filed in the office of the Auditor as and when the same occur, or as soon thereafter as possible, but not later than the 20th day of any month.

7. In the event of deaths, resignations, or transfers occurring between the 20th and the last day of any month, notice thereof shall be filed in the office of the Auditor as and when the same occur, but not later than the last day of the month in which they occur.

8. Unless in special and exceptional cases no transfers shall be made to take effect in the period between the 20th and the last day of any month; in any such case the fractional part of the salary of the person transferred shall be paid on the payroll for the succeed-

ing month; and the same course shall be pursued in the case of appointments made between the 20th and the last day of any month.

9. All payrolls of janitors, janitor-engineers and cleaners in the elementary and high schools shall be printed and shall state the following information:

- (a) Name.
- (b) Position.
- (c) Annual salary.
- (d) Monthly salary.

10. All payrolls of janitors, janitor-engineers and cleaners shall be prepared in the office of the Auditor by the 20th day of each month and shall cover each calendar month.

11. Deductions for absences of janitors, janitor-engineers and cleaners shall be made at the rate of one-thirtieth part of the monthly salary, for each day of absence, in the following manner:

On the payroll for January, from January 2 to January 20, both inclusive.

On the payroll for February, from January 21 to February 20, both inclusive.

On the payroll for March, from February 21 to March 20, both inclusive.

On the payroll for April, from March 21 to April 20, both inclusive.

On the payroll for May, from April 21 to May 20, both inclusive.

On the payroll for June, from May 21 to June 20, both inclusive.

On the payroll for July, from June 21 to July 20, both inclusive.

On the payroll for August, from July 21 to August 20, both inclusive.

On the payroll for September, from August 21 to September 20, both inclusive.

On the payroll for October, from September 21 to October 20, both inclusive.

On the payroll for November, from October 21 to November 20, both inclusive.

On the payroll for December, from November 20 to end of calendar year.

12. Principals shall file in the office of the Auditor, after school hours on the 20th day of each month (excepting the month of December, when the same duty shall be performed on the 31st) a certificate as to the service of the janitor, janitor-engineer, cleaner or other like persons employed by the Board of Education in each school building, which certificate shall also state that such persons have been employed solely in the performance of the appropriate duties of the position and employment indicated, and have not been assigned to perform duties appertaining to any other title; excepting that for the months of July and August the Superintendent of School Buildings shall make said certificate.

13. In the event of cessation or termination of service of janitor, janitor-engineer, cleaners, *et al.*, for any and all reasons, the principal shall file immediately a statement of the fact in the office of the Auditor; excepting that during the months of July and August such statements shall be filed by the Superintendent of School Buildings.

14. Notices of appointments, transfers, assignments and change in compensation shall be filed in the office of the Auditor as and when the same occur.

LOCAL SCHOOL BOARDS

SEC. 58. 1. There shall be forty-six Local School Boards in The City of New York, one for each school district, as provided by law. .

2. Each Local School Board shall consist of seven members, as follows: Five persons appointed by the President of the Borough, a member of the Board of Education designated by the President of that Board, and a District Superintendent assigned to such district by the City Superintendent of Schools.

3. Except as otherwise provided by law, all members of the Local School Boards appointed by the Borough Presidents must be actual residents of the districts in which they respectively serve.

4. Each Local School Board shall, within ten days after all the members thereof shall have been appointed in the year 1902, and on the second Monday in January in every year thereafter, organize by the election of one of its members as chairman and one as secretary.

5. The officers of the Local School Board shall be a chairman and a secretary, who shall hold office for a term of one year, as hereinbefore provided. A member of the Board of Education sitting as a member of a Local School Board shall have power to vote, but shall not be eligible for election as chairman or secretary of such Board. The District Superintendent assigned to any local School Board District shall have a seat in the Local School Board for such district, with the right to speak, but not to vote; nor shall such District Superintendent be eligible for election as chairman or secretary of the Board.

6. Each Local School Board shall meet as often as may be necessary for the efficient performance of the duties imposed upon it, but not less than once in each month, except July and August; provided, however, that no stated or special meeting of said Board shall be fixed for the hour of any stated meeting of the Board of Education or of the Board of Superintendents. It shall be the duty of the two Local School Boards of which any District Superintendent is a member to agree upon different dates or times for their stated and special meetings.

7. In their respective districts, Local School Boards shall visit, at least twice in each school term, all the schools in the district and inspect the same, in respect to punctual and regular attendance of the pupils and teachers, the number and fidelity of the teachers, the studies, progress, order and discipline of the pupils, the cleanliness, safety, warming, ventilation and comfort of school premises, and the observance of the provisions of the school laws in respect to the teaching of sectarian doctrines or the use of sectarian

books; and shall call the attention of the Board of Education, without delay, to every matter requiring official action; but nothing herein shall be construed to confer upon the Local School Boards or any member thereof the administrative authority vested in Superintendents and principals.

8. They shall also, on or before the first day of January and June of each year, make a written report to the Board of Education in respect to the condition of the schools, the efficiency of the teachers and wants of the districts, especially in regard to schools and school premises.

9. They shall report immediately to the Board of Education whenever additional accommodation is necessary for kindergarten or elementary school purposes, with a recommendation of the sites within their respective districts which they consider it necessary to acquire for such purposes. They shall also recommend the erection of such buildings on said sites or on any other property owned by The City of New York and such repairs or alterations of school buildings as they deem necessary or desirable. They shall from time to time, when additional accommodation is necessary, report to the Board of Education premises which are suitable and may be hired for that purpose, with the terms upon which the same may be obtained; such reports shall be accompanied by a certificate from the Borough President that the premises so recommended comply with the law and ordinances in relation to buildings to be used for school purposes.

10. They shall immediately report to the Board of Education any dereliction of duty on the part of the Superintendent of School Supplies, the Superintendent of School Buildings, the City Superintendent, or any of their deputies or assistants, or the employees of their respective departments, and they shall present to the Board of Education all of the facts and circumstances constituting such dereliction of duty.

11. In accordance with the by-laws of the Board of Education, they shall have power to excuse absences of teachers within their

respective districts, subject, however, to the approval of the Board of Superintendents in cases where teachers are excused with pay.

12. They shall try and determine all matters relating to discipline, corporal punishment and other matters affecting the administration of the schools in their respective districts arising upon the complaints of pupils, parents or guardians against teachers and principals, and shall impose such penalties as are prescribed by the Board of Education. But they shall not have power to pass upon any such complaint against a teacher until the matter has been referred to the principal of the school in which such teacher is employed and he has made a report thereon, nor until a copy of the complaint has been furnished the teacher or principal, and a sufficient opportunity has been given for a reply to the same.

13. A Local School Board shall have power, and it shall be its duty, to try charges made by a principal, a District Superintendent, or by any parent or guardian of a pupil residing in the district, against a teacher employed within the district, for gross misconduct, insubordination, neglect of duty or inefficiency. On receiving notice of such charges, a copy of the same, together with specifications, shall be served by the secretary of the Local School Board upon the person against whom they are made, at least three days before the time set for the trial of the same. The said Local School Board shall then at once proceed to try and determine the case, and shall fix the penalty or punishment to be imposed for the offense committed, which shall consist of a fine, suspension for a fixed time without pay, or dismissal. Its determination upon such charges and the penalty or punishment imposed therefor shall be reported immediately to the Board of Education, which may reject, confirm or modify the determinations of the Local School Board and the penalty or punishment imposed, and the decision of the Board of Education shall be final, except as to matters in relation to which, under the general school laws of the State, an appeal may be taken to the State Superintendent of Public Instruction.

14. The penalties which may be imposed by the Local School Boards under the powers named above may be reprimand, deduc-

tion of pay for not more than five days, suspension without pay for a period not exceeding one month, or dismissal.

15. A Local School Board, or any member thereof, may prefer charges to the Board of Education against a principal, a branch principal, a director, a head of department or any other officer exercising supervising powers in the schools under its charge, or against a teacher in any of the schools under its charge, for gross misconduct, insubordination, neglect of duty or general inefficiency.

16. A Local School Board shall present charges of any dereliction of duty on the part of janitors in their respective districts and present proof thereof to the Board of Education. When said charges shall have been presented to the Board of Education, a written copy of the same, with specifications, shall be served upon the janitor against whom the charges are made.

17. The Local School Boards shall procure the enforcement of the laws and by-laws of the Board of Education relating to the sanitary condition of the schools and the health of the pupils in their respective districts by transmitting written information of any unsanitary condition or the prevalence of disease of a contagious nature of which it is cognizant to the City Superintendent, to the Board of Health and to the Bureau of Buildings of the Board of Education.

18. They shall have power to transfer teachers from school to school within their respective districts, but only after hearing the principals of the schools affected by such transfers and subject to the approval of the Board of Superintendents; provided, however, that such transfer shall not involve promotion or increase of salary. A transfer, under the terms of this by-law, shall be understood to mean only an exchange of teachers of the same grade, and such transfer shall take effect only at the beginning of the school term.

19. They shall report to the Board of Education and to the Board of Superintendents all vacancies in the teaching force as soon as such vacancies shall occur.

20. Each Local School Board shall have power, and it shall be

its duty, to adopt by-laws regulating the exercise of all powers and duties vested in it, which by-laws shall not conflict with the by-laws of the Board of Education or with the provisions of the Charter. Each Local School Board shall keep a record of the proceedings of the meetings of the Board, which shall be open at all times to inspection by the Board of Education or any member thereof.

21. The Secretary of a Local School Board shall have charge of the books, papers and documents of the Board. When necessary he may administer oaths and take affidavits in accordance with the provisions of the Charter. The correspondence of a Local School Board shall be conducted in his name, unless the Local School Board, by resolution, shall otherwise direct.

NAUTICAL SCHOOL

SEC. 59. 1. The Nautical School "for the education and training of pupils in the science and practice of navigation," established by authority of the act of the Legislature passed April 24, 1873, and continued by the Charter, shall be conducted, until otherwise ordered, on board the ship *St. Mary's*, loaned to this Board by the Government of the United States for the purpose of a Nautical School.

2. The officers in charge of said ship, and conducting said Nautical School, shall be designated as follows: Superintendent, executive officer, senior instructor, junior instructor and surgeon, and shall hold their respective offices during the pleasure of the Board. The Superintendent shall have the charge and control of the school and ship, and shall be accountable for the management of both, and for the safe keeping of the property intrusted to his care.

3. The executive officer shall, subject to the direction of the Superintendent, have immediate charge of the crew, and shall be responsible for the cleanliness and good order of the ship; he shall also instruct in the professional branches.

4. The surgeon shall examine all candidates for admission to the school as to their physical condition, shall have the care of the sick, and shall suggest to the Superintendent such sanitary measures as he may at any time deem advisable for the health of the pupils and crew. He shall also act as instructor of the pupils in the prescribed studies, etc., whenever required so to do.

5. The instructors shall perform, under the direction of the Superintendent, such duties in their capacity as the efficient conduct of the school may require.

6. The crew employed for the ship shall not exceed in number twenty-six of all rates, who shall, subject to the direction of the Executive Committee on the Nautical School, be under the immediate control of the Superintendent.

SEC. 60. 1. The Executive Committee on the Nautical School shall have power to appoint, subject to the approval of the Board of Education, the officers named in the preceding section, and any other persons requisite to conduct properly said Nautical School, whose compensation shall be fixed by said Board. Subject to the approval of said Committee, the Superintendent shall also have power to ship the crew of the vessel in which the Nautical School is conducted, not to exceed in number twenty-six men of all rates, at an average expense for said crew not exceeding the sum of eight hundred and sixty-seven dollars (\$867) in the aggregate per month.

2. It shall cause to be furnished, subject to the rules of the Board, all suitable supplies, food, fuel, etc., for the use of the pupils of the said school and the crew of the ship; and the books, apparatus, stationery and other things necessary or expedient to enable said school to be properly and successfully conducted. The books, maps, stationery, etc., for the pupils, and the fuel, shall be obtained on the order of the Superintendent of the school, countersigned by the Chairman of the Executive Committee on the Nautical School.

3. It may obtain by purchase such tackle, chains, boats, sails or other material as may be needed for the vessel upon which the Nautical School is or may be conducted, and may cause all neces-

sary repairs to be made when the cost of such materials or repairs does not exceed at any one time the sum of Six hundred dollars (\$600).

RULES FOR ADMISSION

SEC. 61. 1. Applications for admission to the Nautical School may be made by the parents or guardians of boys, or by the boys themselves, in person or by letter, to the Superintendent, on board the *St. Mary's*, at the foot of Twenty-fourth street, East River.

2. All applicants shall be at least sixteen years of age; shall have the written consent of their parents or guardians to their becoming pupils in the school; shall produce written testimonials of good character and health, and shall furnish satisfactory evidence that they have never been convicted of any crime. (See act of Congress, passed in 1874, "to encourage the establishment of public marine schools.")

3. Applicants complying with the provisions of subdivision 2 of this section, to the satisfaction of the Executive Committee on the Nautical School, or its duly authorized representatives, shall be examined physically by the surgeon. All applicants who do not give promise of good physical development, or who have such defect of sight, hearing or limbs, or are otherwise so defective physically as to render them unfit for service at sea, shall be rejected.

4. After passing the necessary physical examination, the applicant must show that he is able to spell with a fair degree of accuracy, to read with tolerable correctness and ease, to write legibly, and that he has a knowledge of arithmetic to and including percentage. Natural intelligence and animation may be taken into consideration by the examiners in cases where the applicants do not appear to have had the benefit of suitable instruction.

5. If found qualified in all respects, the applicant shall receive a permit to report on board the ship. With the permit shall be enclosed the certificates of parents or guardians and the report of the examining surgeon, which papers shall be presented to and carefully preserved by the Superintendent.

6. After being received on board the ship, the applicant shall be placed on probation for a period of two weeks, when, if no reason to the contrary shall appear, he shall be admitted permanently and entered on the register of the school.

7. After admission, each pupil shall be furnished with the necessary articles of bedding and with uniforms. Such portions of his clothing as are not suitable for wear on the ship shall be given to him to send home, if desired; otherwise they shall be retained and given to him on his first vacation, or on his finally leaving the school. All articles belonging to the pupils shall be marked with the owner's name. Each pupil shall be required to furnish such articles for his outfit as may be prescribed by the Executive Committee on the Nautical School, and to deposit with the Superintendent the sum of twenty-five dollars (\$25), to be expended, under the direction of the Committee, in completing his outfit and furnishing him with such other articles as he may need during his school term. This deposit may be remitted by unanimous vote of said Executive Committee.

8. The pupils shall be carefully instructed, under the direction of the Superintendent, in reading, spelling, writing, arithmetic, geography and English grammar, and in the duties of a seaman; they shall be examined from time to time, and if any show a lack of aptitude for sea life, or develop any physical disqualification, their parents or guardians shall be requested to withdraw them from the school.

9. After a sufficient trial, any pupil found to be vicious or incorrigibly bad may be peremptorily dismissed by the Superintendent, who shall immediately report such dismissal to the Executive Committee on the Nautical School.

10. The course of instruction shall cover a period of two years, during which time every pupil shall be allowed such vacations as said Executive Committee may determine, provided his general conduct and progress have been satisfactory. At the end of two years, every pupil who has passed through the course successfully shall receive a certificate showing his character and qualifications.

11. Boys who have enjoyed the advantages of a good common school education, and who are otherwise sufficiently advanced, shall be instructed in practical navigation and in such other branches pertaining to the higher duties of a seaman as may be found proper and convenient.

12. The City Superintendent shall cause the Nautical School to be inspected annually with reference to the methods of instruction employed and the progress of the pupils in the subjects of the school course.

SEC. 62. The course of instruction in the Nautical School shall be as follows:

I.—SCHOOL COURSE

Reading, writing, spelling, English grammar, geography, arithmetic, algebra, geometry, and navigation.

II.—SEAMANSHIP

1. Making all knots, splices, hitches, bends, clinches, etc., used on board ship; worming, parcelling and serving ropes; turning in dead-eyes, securing lanyards, and rattling down rigging.

2. Learning the names of all spars, blocks, running and standing rigging, and their uses.

3. Learning the names of the different parts of a sail; loosing, furling, reefing and bending sails.

4. Rowing, sculling and steering boats, and handling them under sail.

5. Boxing compass, steering by compass, and taking compass bearings.

6. Marking log and leadlines, heaving the lead, and calling out soundings correctly.

7. Using palm and needle, sewing seams, and working eyelet-holes.

8. Swimming.

9. Rules of the road.

SEC. 63. The Executive Committee on the Nautical School shall report annually, or as often as may be required by the Board, as to the management and success of the Nautical School, and the expense of conducting the same.

SALARY SCHEDULES

SALARIES—GENERAL REGULATIONS

SEC. 64. 1. The term "teacher of a graduating class," as used in Section 1091 of the Revised Charter, shall be understood to mean the teacher of the highest class in an elementary school, namely, the grade known as the 8 B Grade, provided such class is composed exclusively of pupils of that grade. The terms "first assistant" and "vice-principal" in elementary schools, as used in the Revised Charter, shall be understood to refer exclusively to teachers regularly appointed to such position or such rank in the public schools of the former City of New York prior to February 1, 1898. The expression "grades of the last two years in the elementary schools," as used in the Revised Charter, shall be understood to mean the grades of the last two years of work prescribed by the course of study for elementary schools. The term "model teacher," as used in the Revised Charter, shall be understood to refer to a class teacher in a model school that forms a constituent part of a training school for teachers and that is under the control and direction of the principal of such training school, and shall not include the teachers of classes in other schools in which teachers-in-training practice teaching. The terms "head teacher," "assistant to the principal," "first assistant," and "vice-principal," as used in said Revised Charter, with reference to high schools and training schools for teachers, shall be understood to include all persons appointed or promoted to such positions, provided they hold first assistant teachers' licenses for high schools or for training schools for teachers, as the case may be. The terms "male teacher" and "female teacher," as used in said Revised Charter, shall be understood to refer in an elementary school to a teacher

holding license No. 1 or a license of higher grade, appointed to a school in accordance with law for a term of not less than five school months, and shall not include substitute teachers, kindergarten helpers, teachers of special branches, nor teachers appointed for a specified time less than five school months. The term "mixed class," as used in said Revised Charter, shall be understood to mean a class, above the kindergarten, composed of both boys and girls, in which the aggregate number of days of attendance of the boys in such class for the month immediately preceding the preparation of the regular payroll shall have been not less than forty per cent.

2. No salary of a member of the supervising or teaching force, including the City Superintendent, Associate City Superintendents and District Superintendents, shall be reduced by reason of the operation of the schedule of salaries set forth in these by-laws. A member of the supervising or teaching force transferred from one position to another shall not lose, because of such transfer, any of the rights as to salary acquired in the position he or she held at the time Chapter 751 of the Laws of 1900 went into effect, unless the transfer is made from a higher position to a lower position, because of inefficient service or other sufficient reason.

3. Teachers' annual salaries shall be paid in twelve equal installments, one installment for each month in the calendar year. The installment for July shall be paid, as nearly as may be, on or before the 30th of June of each year. The installment for August shall be paid, as nearly as may be, on or before the fifteenth day of the following September. In case of a teacher who is dismissed from the service for cause, salary shall cease from the day of suspension from service. In case a teacher's license is not renewed, salary shall cease with the termination of actual service.

4. One-thirtieth of a month's salary shall be deducted for every day of absence on the part of a principal, supervisor or teacher, unless such principal, supervisor or teacher is excused for adequate cause, in accordance with these by-laws; but the aggregate deductions in any one month shall not exceed the salary for that month.

5. Salaries of newly appointed teachers shall begin with the beginning of actual and personal service; and all increase in the pay of teachers shall begin on the first day of the month immediately succeeding the month during which the teacher shall become entitled thereto by reason of promotion, experience or otherwise, unless the teacher shall become entitled to the increase of salary on the first day of the month.

6. The certificate of the Board of Examiners that a principal or a teacher has had a certain number of years of experience in schools other than the public schools of The City of New York, signed by the City Superintendent of Schools, and the certificate of the Board of Superintendents, signed by the City Superintendent of Schools, that a principal or a teacher has had any number of years of experience in any part of what is now The City of New York, shall entitle such principal or teacher to the salary prescribed for the stated year of service by these by-laws, provided the work of such principal or teacher has been approved as fit and meritorious by the Board of Superintendents, as prescribed by the Revised Charter. The certificate described above shall state (a) the years of outside experience with which the teacher is credited; (b) the years of experience the teacher has had in the public schools of The City of New York; (c) the salary year; and (d) the month during which an annual increase of salary shall become due. In reckoning service in the public schools of The City of New York, service as a substitute teacher or as a teacher or principal in evening schools, vacation schools or playgrounds, or years of service formerly allowed in any Borough in consideration of graduation from any training school, normal school or college, shall not be counted.

SALARIES OF CITY SUPERINTENDENT, ASSOCIATE CITY SUPERINTENDENTS, DISTRICT SUPERINTENDENTS AND EXAMINERS

7. The salary of the City Superintendent of Schools shall be \$8,000 per annum.

The salary of an Associate City Superintendent shall be \$5,500 per annum, provided that Associate City Superintendents who as Borough Superintendents received, prior to February 3, 1902, more than \$5,500 per annum shall continue to receive the salaries paid to them as Borough Superintendents until the expiration of the terms for which they were appointed as such Borough Superintendents.

The salary of a District Superintendent hereafter appointed shall be \$5,000. District Superintendents now in office shall continue to receive the salaries paid to them as Associate Borough Superintendents prior to February 3, 1902, until December 31, 1902, after which date the salaries of all District Superintendents shall be \$5,000 per annum each.

The salary of a member of the Board of Examiners, other than the City Superintendent, shall be \$5,000 per annum.

ELEMENTARY SCHOOLS—PRINCIPALS AND HEADS OF DEPARTMENTS

8. Principals and branch principals of schools of not less than twelve (12) classes, including schools having high school departments, shall be paid in accordance with the following schedule:

SCHEDULE I

Years	(a)	(b)
	Women	Men
1	\$1,750	\$2,750
2	2,000	3,000
3	2,250	3,250
4	2,500	3,500

The minimum salary for women shall be \$1,750; the maximum salary for women shall be \$2,500; the rate of annual increase shall be \$250. The minimum salary for men shall be \$2,750; the maximum salary for men shall be \$3,500; the rate of annual increase shall be \$250. No increase for any year, however, shall be made

unless the service of the principal or branch principal shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents.

9. Principals of schools of less than twelve (12) classes, but not less than five (5) classes, heads of departments and assistants to principals, shall be paid in accordance with the following schedule:

SCHEDULE II

Years	(a)	(b)
	Women	Men
1	\$1,400	\$2,100
2	1,500	2,250
3	1,600	2,400

The minimum salary for women shall be \$1,400; the maximum salary shall be \$1,600; the rate of annual increase shall be \$100. The minimum salary for men shall be \$2,100; the maximum salary for men shall be \$2,400; the rate of annual increase shall be \$150. No increase for any year, however, shall be made unless the service of such principal, etc., shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents.

No head of department or assistant to principal shall receive a salary greater than that fixed for the seventh year of service nor a salary greater than that fixed for the twelfth year of service, unless and until the service of such head of department or assistant to principal shall have been approved, after inspection and investigation, as fit and meritorious by a majority of the Board of Superintendents. A head of department, or assistant to principal, however, who is credited by the Board of Examiners with having had, prior to his or her appointment in the public schools of The City of New York, more than seven years of service in schools other than the public schools of The City of New York, shall receive the regular annual increase up to the twelfth year of service, when

his or her work shall be passed upon, in accordance with law, by the Board of Superintendents.

In a school of the fifth order the teacher acting as senior teacher in charge of the school shall receive, in addition to the regular salary, \$100 per annum.

TEACHERS IN ELEMENTARY SCHOOLS—WOMEN

10. Female teachers in elementary schools appointed to grades from the kindergarten to the 6 B, inclusive, shall receive salaries in accordance with the following schedule:

Years	SCHEDULE III
1.....	\$600
2.....	640
3.....	680
4.....	720
5.....	760
6.....	800
7.....	840
8.....	880
9.....	920
10.....	960
11.....	1,000
12.....	1,040
13.....	1,080
14.....	1,120
15.....	1,160
16.....	1,200
17.....	1,240

Under this schedule the minimum salary shall be \$600 per annum; the maximum, \$1,240 per annum; and the rate of annual increase, \$40.

Female teachers of shopwork and of constructive work shall be paid in accordance with the salaries provided in Schedule III.

Female teachers in elementary schools appointed to grades from the 7 A to the 8 A, inclusive, shall receive salaries in accordance with the following schedule:

Years	SCHEDULE IV
1.....	\$600
2.....	648
3.....	696
4.....	744
5.....	792
6.....	840
7.....	888
8.....	936
9.....	984
10.....	1,032
11.....	1,080
12.....	1,128
13.....	1,176
14.....	1,224
15.....	1,272
16.....	1,320

Under this schedule the minimum salary shall be \$600 per annum; the maximum, \$1,320 per annum; and the rate of annual increase, \$48.

Female teachers in elementary schools appointed to classes in the 8 B grade shall receive salaries in accordance with the following schedule:

Years	SCHEDULE V
1.....	\$936
2.....	1,020
3.....	1,104
4.....	1,188
5.....	1,272
6.....	1,356
7.....	1,440

Under this schedule the minimum salary shall be \$936 per annum; the maximum salary shall be \$1,440 per annum; and the rate of annual increase, \$84.

Female vice-principals and first assistants shall receive pay under this schedule.

No female teacher in the elementary schools shall receive a salary greater than that fixed for the seventh year of service, nor a salary greater than that fixed for the twelfth year of service, unless and until the service of such teacher shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents. A teacher, however, who is credited by the Board of Examiners with having had, prior to her appointment in the public schools of The City of New York, more than seven years of service in the schools other than the public schools of The City of New York, shall receive the regular annual increase up to the twelfth year of service, when her work shall be passed upon, in accordance with law, by the Board of Superintendents.

FEMALE TEACHERS OF BOYS' AND MIXED CLASSES

11. A female teacher of a boys' class, or of a mixed class as defined in subdivision 1 of this section, shall receive the sum of \$60 per annum in addition to the schedule rate of pay to which she may be entitled by reason of length of service or grade of class taught, said sum to be paid in monthly installments and included in the amount due on the payroll, but only as long as said female teacher shall remain in charge of a boys' class or a mixed class, as defined in subdivision 1 of this section. The principal of the school in which said teacher is employed shall indicate in writing on the monthly payroll, against the name of such teacher, the fact that such teacher is entitled to the additional compensation.

TEACHERS IN ELEMENTARY SCHOOLS—MEN

12. Male teachers teaching in any grade below the highest, and in the highest when that grade is taught in the same class with a

lower grade, shall receive salaries in accordance with the following schedule:

Years	SCHEDULE VI
1.....	\$900
2.....	1,005
3.....	1,110
4.....	1,215
5.....	1,320
6.....	1,425
7.....	1,530
8.....	1,635
9.....	1,740
10.....	1,845
11.....	1,950
12.....	2,055
13.....	2,160

Under this schedule the minimum salary shall be \$900; the maximum, \$2,160; and the rate of annual increase, \$105.

Male teachers of shopwork shall be paid in accordance with the schedule for male teachers below the highest grade.

Male teachers in elementary schools appointed to classes in the 8 B grade shall receive salaries in accordance with the following schedule:

Years	SCHEDULE VII
1.....	\$1,500
2.....	1,650
3.....	1,800
4.....	1,950
5.....	2,100
6.....	2,250
7.....	2,400

Under this schedule the minimum salary shall be \$1,500 per

annum; ~~the~~ maximum, \$2,400; and the rate of annual increase, \$150.

Male vice-principals and first assistants shall receive pay under this schedule.

No male teacher in the elementary schools shall receive a salary greater than that fixed for the seventh year of service, nor a salary greater than that fixed for the twelfth year of service, unless and until the service of such teacher shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents. A teacher, however, who is credited by the Board of Examiners with having had, prior to his appointment in the elementary schools of The City of New York, more than seven years of experience in schools other than the public schools of The City of New York, shall receive the regular annual increase up to the twelfth year of service, when his work shall be passed upon, in accordance with law, by the Board of Superintendents.

SUBSTITUTES IN ELEMENTARY SCHOOLS

13. Male substitutes shall receive \$3 and female substitutes \$2.50 per day of actual service, except as provided in subdivision 3 of Section 52 and except normal school students licensed under clause (i) of Section 68, who shall be paid at the rate of \$1.50 per day of actual service.

Teachers appointed for a specified time, if such time is less than five school months, shall receive the pay of substitutes.

Kindergarten helpers shall receive \$2.50 per day of actual service.

Substitutes for teachers of special branches shall receive \$2.50 per day of actual service.

HIGH SCHOOLS—SALARIES OF PRINCIPALS

SCHEDULE VIII

14. (a) A principal of a high school having supervision of not less than twenty-five teachers therein shall receive a salary of five thousand dollars per annum.

(b) A principal of a high school having supervision of less than twenty-five teachers shall receive three thousand five hundred dollars per annum.

TEACHERS IN HIGH SCHOOLS

15. Teachers in high schools shall receive salaries in accordance with the following schedule:

SCHEDULE IX

Years	Junior Teachers <i>et al.</i>		Assistant (Reg.) Teacher		First Assistant	
	(a) Women	(b) Men	(c) Women	(d) Men	(e) Women	(f) Men
1	\$700	\$900	\$1,100	\$1,300	\$2,000	\$2,500
2	750	950	1,180	1,410	2,100	2,600
3	800	1,000	1,260	1,520	2,200	2,700
4	850	1,050	1,340	1,630	2,300	2,800
5	900	1,100	1,420	1,740	2,400	2,900
6	950	1,150	1,500	1,850	2,500	3,000
7	1,000	1,200	1,580	1,960	....	....
8	....	....	1,660	2,070	....	....
9	....	....	1,740	2,180	....	....
10	....	....	1,820	2,290	....	....
11	....	....	1,900	2,400	....	....

The minimum salary for a female junior or substitute teacher, female laboratory or library assistant, or female clerk, shall be \$700 per annum; the maximum salary shall be \$1,000 per annum; and the rate of annual increase shall be \$50.

The minimum salary for a male junior or substitute teacher, or male laboratory or library assistant, or male clerk, shall be \$900 per annum; the maximum, \$1,200 per annum; and the rate of annual increase shall be \$50.

The minimum salary for a female regular teacher in a high school shall be \$1,100 per annum; the maximum, \$1,900 per annum; and the rate of annual increase shall be \$80.

The minimum salary for a male regular teacher in a high school shall be \$1,300 per annum; the maximum, \$2,400 per annum; and the rate of annual increase, \$110.

The minimum salary for a female first assistant (head teacher, assistant to principal, or vice-principal) in a high school shall be \$2,000 per annum; the maximum, \$2,500 per annum; and the rate of annual increase, \$100.

The minimum salary for a male first assistant (head teacher, assistant to principal, or vice-principal) shall be \$2,500 per annum; the maximum, \$3,000 per annum; and the rate of annual increase shall be \$100.

No teacher in a high school shall receive a salary greater than that fixed for the fourth year of service, nor a salary greater than that fixed for the ninth year of service, unless and until the service of such teacher shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents. A teacher, however, who is credited by the Board of Examiners with having had, prior to his appointment in the high schools of The City of New York, more than four years of experience in schools other than the public schools of The City of New York, shall receive the regular annual increase up to the ninth year of service, when his work shall be passed upon, in accordance with law, by the Board of Superintendents.

The salary of a teacher transferred from an elementary school to a high school shall not be diminished by reason of such transfer.

The sum of five hundred dollars per annum shall be paid to any regular high school teacher assigned to take charge of a high school annex containing ten or more classes, in addition to the salary to which such teacher is entitled by reason of experience. No part of said sum of five hundred dollars shall be paid to any high school teacher after he or she ceases to have charge of a high school annex.

TRAINING SCHOOLS FOR TEACHERS—SALARIES OF PRINCIPALS
SCHEDULE X

16. A principal of a training school for teachers, having supervision of not less than twenty-five teachers therein, shall receive a salary of \$5,000 per annum. In the number of teachers shall be reckoned model teachers, critic teachers, regular teachers and first assistants.

SALARIES OF TEACHERS IN TRAINING SCHOOLS

17. Teachers in training schools for teachers shall receive salaries in accordance with the following schedule:

SCHEDULE XI

Years	Library Assistant		(c) Model Teacher	Assistant (Reg.) Teacher		First Assistant	
	(a) Women	(b) Men		(d) Women	(e) Men	(f) Women	(g) Men
1	\$700	\$900	\$1,000	\$1,100	\$1,300	\$2,000	\$2,500
2	750	950	1,100	1,180	1,410	2,100	2,600
3	800	1,000	1,200	1,260	1,520	2,200	2,700
4	850	1,050	1,300	1,340	1,630	2,300	2,800
5	900	1,100	1,400	1,420	1,740	2,400	2,900
6	950	1,150	1,500	1,500	1,850	2,500	3,000
7	1,000	1,200	....	1,580	1,960	....	....
8	....	....	....	1,660	2,070	....	....
9	....	....	....	1,740	2,180	....	....
10	....	....	....	1,820	2,290	....	....
11	....	....	....	1,900	2,400	....	....

The minimum salary for a female laboratory or library assistant, or female clerk, shall be \$700 per annum; the maximum salary shall be \$1,000 per annum; and the rate of annual increase, \$50.

The minimum salary for a male laboratory or library assistant

or clerk shall be \$900 per annum; the maximum salary shall be \$1,200 per annum; and the rate of annual increase shall be \$50.

The minimum salary for a model teacher shall be \$1,000 per annum; the maximum salary shall be \$1,500 per annum; and the rate of annual increase shall be \$100. The critic teachers shall receive the same salaries as model teachers.

The minimum salary for a female regular teacher in a training school shall be \$1,100 per annum; the maximum salary shall be \$1,900; and the rate of annual increase shall be \$80.

The minimum salary for a male regular teacher in a training school shall be \$1,300 per annum; the maximum salary shall be \$2,400 per annum; and the rate of annual increase, \$110.

The minimum salary for a female first assistant (head teacher, assistant to principal, or vice-principal) in a training school shall be \$2,000 per annum; the maximum salary shall be \$2,500; and the rate of annual increase \$100.

The minimum salary for a male first assistant (head teacher, assistant to principal, or vice-principal) shall be \$2,500 per annum; the maximum salary shall be \$3,000 per annum; and the rate of annual increase, \$100.

No teacher in a training school shall receive a salary greater than that fixed for the fourth year of service, nor a salary greater than that fixed for the ninth year of service, unless and until the service of such teacher shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents. A teacher, however, who is credited by the Board of Examiners with having had, prior to his appointment in the training schools of The City of New York, more than four years' experience in schools other than the public schools of The City of New York, shall receive the regular increase up to the ninth year of service, when his work shall be passed upon, in accordance with law, by the Board of Superintendents.

The salary of a teacher transferred from an elementary school to a training school shall not be diminished by reason of such transfer.

SPECIAL BRANCHES—DIRECTORS AND ASSISTANT DIRECTORS
SCHEDULE XII

18.(a) Male directors of music, manual training and drawing, and physical training, elected or appointed for the City at large, shall receive \$3,500 for the first year of service, and an annual increase of \$100 until the maximum of \$4,000 is reached, which shall be the salary for the sixth year and for succeeding years.

(b) Female directors of music, manual training and drawing, and physical training, elected or appointed for the City at large, shall receive \$2,000 for the first year of service, and an annual increase of \$100 until the maximum of \$2,500 is reached, which shall be the salary for the sixth year and for succeeding years.

SCHEDULE XIII

(a) Male assistant directors of music, manual training and drawing, and physical training, shall receive \$2,500 for the first year of service, and an annual increase of \$100 until the maximum of \$3,000 is reached, which shall be the salary for the sixth year and for succeeding years.

(b) Female assistant directors of music, manual training and drawing, and physical training, shall receive \$2,000 for the first year of service, and an annual increase of \$100 until the maximum of \$2,500 is reached, which shall be the salary for the sixth year and for succeeding years.

SCHEDULE XIV

Directors of kindergartens shall receive \$2,000 for the first year of service, and an annual increase of \$100 until the maximum of \$2,700 is reached, which shall be the salary for the eighth year and for succeeding years.

SCHEDULE XV

Directors of cooking and sewing shall receive \$2,000 for the first year of service and an annual increase of \$100 until the maximum

of \$2,500 is reached, which shall be the salary for the sixth year and succeeding years.

No increase for any year shall be made in the salary of any director, assistant director or teacher of a special branch, unless the service of such director, assistant director or teacher of a special branch shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents.

TEACHERS AND ASSISTANT SUPERVISORS OF SPECIAL BRANCHES

19. Teachers and assistant supervisors of special branches in the elementary schools shall receive salaries in accordance with the following schedules:

SCHEDULE XVI

TEACHERS OF MUSIC AND DRAWING

Years	(a)	(b)
	Women	Men
1.....	\$1,000	\$1,200
2.....	1,100	1,300
3.....	1,200	1,400
4.....	1,300	1,500
5.....	1,400	1,600

SCHEDULE XVII

TEACHERS OF PHYSICAL TRAINING

Years	(a)	(b)
	Women	Men
1.....	\$900	\$1,200
2.....	1,000	1,300
3.....	1,100	1,400
4.....	1,200	1,500
5.....	....	1,600

Men substitute teachers of physical training shall be paid at the rate of \$4 per day.

SCHEDULE XVIII

TEACHERS OF COOKING AND SEWING

Years	Salary
1.....	\$900
2.....	1,000
3.....	1,100
4.....	1,200

SCHEDULE XIX

TEACHERS OF FRENCH AND GERMAN

Years	(a) Women	(b) Men
1.....	\$1,000	\$1,200
2.....	1,100	1,300
3.....	1,200	1,400
4.....	1,300	1,500
5.....	1,400	1,600

20. Principals, general assistants, heads of departments, and assistants in evening high and elementary schools shall be paid in accordance with the following schedule for each evening of actual service:

SCHEDULE XX

EVENING SCHOOLS

	Per evening
Principals of evening high schools.....	\$7 00
Assistants in evening high schools.....	5 00
Principals of evening elementary schools.....	5 00
Assistants in evening elementary schools.....	3 00
General assistants and heads of departments in evening schools	3 00
Teachers in charge of evening elementary schools having no principals	4 00

21. Supervisors, assistant supervisors, principals, teachers, kindergartners, kindergarten helpers, substitutes, and clerks in the vacation schools shall be paid in accordance with the following schedule for each day of actual service:

SCHEDULE XXI

	Per day
Supervisors	\$6 00
Assistant supervisors.....	4 50
Principals	4 50
Teachers	3 00
Kindergartners	3 00
Kindergarten helpers.....	1 50
Substitutes and clerks.....	1 50

Supervisors, assistant supervisors, principals, teachers, assistant teachers, librarians, and pianists in the vacation playgrounds shall be paid in accordance with the following schedule for each day of actual service:

SCHEDULE XXII

	Per day
Supervisors	\$6 00
Assistant supervisors	4 50
Principals	4 00
Teachers	2 50
Assistant teachers	1 75
Librarians	1 50
Pianists	1 75

Supervisors and teachers in the swimming schools shall be paid in accordance with the following schedule for each day of actual service:

SCHEDULE XXIII

	Per day
Supervisors	\$5 00
Teachers	2 00

Principals, teachers, assistant teachers, librarians, pianists, bath teachers, and junior assistants in the recreation centres shall be paid in accordance with the following schedule for each session of actual service:

SCHEDULE XXIV

	Per session
Principals	\$4 00
Teachers	2 50
Assistant teachers	1 50
Librarians	2 50
Pianists	2 00
Bath teachers	2 00
Junior assistants	1 00

SCHEDULE XXV

An inspector of playgrounds and recreation centres shall be paid an annual salary of \$1,500.

22. Principals and teachers in truant schools shall be paid in accordance with the following schedules:

TRUANT SCHOOLS

SCHEDULE XXVI

PRINCIPAL OR HEAD MASTER, IF BOARDED AND LODGED

Years

1.....	\$1,800
2.....	1,900
3.....	2,000
4.....	2,100

SCHEDULE XXVII

PRINCIPAL OR HEAD MASTER, IF NOT BOARDED AND LODGED

Years

1.....	\$2,200
2.....	2,300
3.....	2,400
4.....	2,500

No increase for any year shall be made unless the service of the principal or head master shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents.

Male teachers in truant schools, and male teachers of ungraded classes who hold regular elementary school licenses, shall be paid in accordance with Schedule VI.

Male teachers holding special truant school licenses shall be paid in accordance with the following schedule:

SCHEDULE XXVIII

Years

1.....	\$900
2.....	975
3.....	1,050
4.....	1,125
5.....	1,200
6.....	1,275
7.....	1,350
8.....	1,425
9.....	1,500
10.....	1,575
11.....	1,650
12.....	1,725
13.....	1,800

The minimum salary shall be \$900, the maximum \$1,800, and the rate of annual increase \$75.

No male teacher in a truant school shall receive a salary greater than that fixed for the seventh year of service, nor a salary greater than that fixed for the twelfth year of service, unless and until the service of such teacher shall have been approved after inspection and investigation as fit and meritorious by a majority of the Board of Superintendents.

Women teachers in truant schools and teachers of ungraded

classes who hold regular elementary school licenses shall be paid in accordance with Schedule IV.

Women teachers holding special truant school licenses shall be paid in accordance with Schedule III.

No woman teacher in a truant school shall receive a salary greater than that fixed for the seventh year of service, nor a salary greater than that fixed for the twelfth year of service, unless and until the service of such teacher shall have been approved, after inspection and investigation, as fit and meritorious by a majority of the Board of Superintendents.

Regularly appointed teachers assigned as additional teachers shall be paid in accordance with Schedule III. Other persons assigned as additional teachers shall be paid at the rate of \$3 per day of actual service.

KINDS AND GRADES OF LICENSES

SEC. 65. The following licenses shall be issued for service in the public schools of The City of New York:

ELEMENTARY SCHOOL LICENSES—DAY SCHOOLS

Substitute teacher.

Kindergarten teacher.

Teacher's license No. 1.

Teacher's license for promotion.

Teacher of a graduating class.

Teacher of shopwork.

Teacher of a special branch.

Assistant director of a special branch.

Director of a special branch.

Assistant to principal (equivalent to head of department license).

Principal.

HIGH SCHOOL LICENSES—DAY HIGH SCHOOLS

Clerical assistant.
Library assistant.
Laboratory assistant.
Substitute teacher.
Junior teacher.
Assistant teacher.
First assistant.
Principal.

TRAINING SCHOOL LICENSES

Clerical assistant.
Library assistant.
Model teacher.
Critic teacher.
Assistant teacher.
First assistant.
Principal in model school.
Principal.

EVENING SCHOOLS

Teacher of a special branch.
Teacher.
Principal.

EVENING HIGH SCHOOLS

Assistant teacher.
Principal.

VACATION SCHOOL LICENSES

Clerk.
Kindergarten helper.
Kindergartner.

Teacher.
Principal.
Supervisor.
Inspector of vacation schools, vacation playgrounds, recreation and swimming schools.

VACATION PLAYGROUND LICENSES

Librarian.
Pianist.
Assistant teacher.
Teacher.
Principal.
Supervisor.

RECREATION CENTRE LICENSES

Junior assistant.
Bath teacher.
Librarian.
Pianist.
Assistant teacher.
Teacher.
Principal.

SWIMMING SCHOOL LICENSES

Teacher.
Supervisor.

TRUANT SCHOOL LICENSES

Teacher.
Principal.

No person shall be eligible for license for any teaching or super-

vising position in a day elementary or day high school or a training school whose age is outside the limits set below, as follows:

ELEMENTARY SCHOOL LICENSES—DAY SCHOOLS

	Years
Kindergarten teacher.....	18 to 35
Teacher's license No. 1.....	18 to 35
Teacher of shopwork.....	18 to 35
Teacher of a special branch.....	21 to 40
Director of a special branch (man).....	25 to 45
Director of a special branch (woman).....	25 to 40
Assistant to principal (woman only).....	25 to 40
Principal (man).....	25 to 45
Principal (woman).....	25 to 40

In the case of applicants who have been ten years in the supervising or teaching force of the public schools of The City of New York, the maximum age for licenses as director of a special branch and as principal of an elementary school shall be, for a man, 55 years, and for a woman, 50 years, and for license as assistant to principal (woman only), 50 years.

HIGH SCHOOL LICENSES—DAY HIGH SCHOOLS

	Years
Clerical assistant.....	21 to 40
Library assistant.....	21 to 40
Laboratory assistant.....	21 to 40
Junior teacher.....	21 to 40
Assistant teacher.....	21 to 40
First assistant.....	25 to 50
Principal.....	25 to 50

In the case of applicants who have been ten years in the teaching force of the high schools of The City of New York, the maximum age for the position of first assistant shall be, for a man, fifty-five years, and for a woman, fifty years.

TRAINING SCHOOL LICENSES

	Years
Clerical assistant.....	21 to 40
Library assistant.....	21 to 40
Model teacher.....	21 to 40
Critic teacher.....	21 to 40
Assistant teacher.....	21 to 40
First assistant	25 to 50
Principal in a model school (man).....	25 to 50
Principal in a model school (woman).....	25 to 45
Principal.....	25 to 50

Restrictions as to limit of age above prescribed for eligibility for license as

Principal of an elementary school,
Principal of a high school,
Principal of a training school,

shall not apply to those persons who, under Section 1089 of the Revised Charter, may be exempted from examination by the City Superintendent.

SEC. 66. 1. A substitute's license shall qualify the holder to act as a substitute teacher in an elementary day school or in an elementary evening school or in a vacation school.

2. A kindergarten license shall qualify the holder for the position of teacher of kindergarten in an elementary school or in a vacation school, or of director or supervisor of kindergarten work in a playground.

3. A teacher's license No. 1 shall qualify the holder for the position of teacher in an elementary day school or evening school, or teacher of English and nature study in a vacation school, or of director of a playground or of teacher in a truant school.

4. A license for promotion shall qualify the holder to act as teacher in the grades of the last two years of the elementary school

course, but no person not now teaching in the last two years of the elementary school course shall be appointed teacher of a graduating class, who, in addition to the holding of the license for promotion, has not served at least two years in other grades of the last two years of the course.

This license shall qualify the holder to act as assistant teacher in an evening high school.

5. A license as teacher of shopwork shall qualify the holder for the position of teacher of shopwork in an elementary school or in an evening elementary or high school or in a vacation school.

6. A license as teacher of a special branch shall qualify the holder for the position of teacher of such special branch in an elementary school, in an evening elementary or high school, or in a vacation school.

7. A license as assistant to principal or head of department shall qualify the holder for the position of assistant to principal in an elementary school or of principal of an evening elementary school or of a vacation school, or to act as principal of an elementary school of the fourth order.

8. A license as principal of an elementary school shall qualify the holder for the position of principal of an elementary school, of a truant school, of an elementary evening school, or of an evening high school, provided the licensee holds in the case last mentioned the position of principal of an elementary day school.

NOTE.—A license as principal of an elementary school shall qualify the holder to act as principal of an elementary school having a high school department, provided he has also at least qualifications (a) required for license as assistant teacher in a high school.

9. A license as first assistant in a high school shall qualify the holder for the position of principal of an evening high school, provided the licensee holds the position of first assistant in a day high school.

10. Except as principal of a high school, teacher in or principal of a training school, or director of a special branch, no person re-

quired to be licensed shall be appointed to any teaching or supervising position whose name does not appear upon the proper eligible list.

11. No person shall be appointed to any supervising or teaching position mentioned in this section who has not the required license or a superior license.

12. No married woman shall be appointed to any teaching or supervising position in the day public schools unless her husband is incapacitated from physical or mental disease to earn a livelihood, or has continuously abandoned her for not less than three years prior to the date of appointment; provided proof satisfactory to the Board of Superintendents is furnished to establish such physical or mental disability or abandonment.

13. Licenses to teach shall be issued by the City Superintendent of Schools for a period of one year, and they may be renewed by him without examination in case the work of the holder is satisfactory to the City Superintendent for two successive years.

At the close of the third year of continuous successful service he may make the license permanent.

Substitute licenses shall be issued for a period of one year, subject to renewal by the City Superintendent.

14. All applicants for license must present evidence of good moral character and of sound physical health. The evidence of sound physical health shall consist of a certificate to be issued by one of the physicians of the Board of Education. This by-law, as far as it relates to the physical examination, shall not apply to applicants for license as evening school, vacation school and playground teachers.

15. A license of any kind, except a substitute license, shall be issued with the condition that, if the holder does not teach as a regular (not substitute) teacher in the public schools of The City of New York during a period of five years, the license shall, at the close of that period, become void.

16. The Board of Examiners shall have authority to grant a

renewal of license to any person whose license has lapsed under the provisions of subdivision 15.

17. The qualifications for licenses prescribed in Sections 93 to 119, inclusive, of these By-Laws, shall not apply to persons licensed prior to March 1, 1903, to teach in evening schools, vacation schools, playgrounds, and recreation centres.

BOARD OF EXAMINERS

SEC. 67. 1. The Board of Examiners shall consist of the City Superintendent of Schools and of four persons appointed in accordance with Section 1089 of the Charter. The City Superintendent of Schools shall preside over the Board of Examiners. It shall be the duty of the Board of Examiners to conduct the examinations of all applicants required to be licensed as teachers in and for The City of New York. Such examinations shall be conducted in accordance with the requirements fixed by the Board of Education and at such times as the City Superintendent may direct.

2. The City Superintendent of Schools shall prescribe the subjects in which candidates for licenses shall be examined, and shall determine the percentage which shall be required in order to constitute a successful examination, and also the conditions upon which the examination may be taken.

3. Graduates of colleges and universities recognized by the Regents of the University of the State of New York, who have pursued for not less than one year pedagogical courses satisfactory to the City Superintendent; graduates of schools and colleges for the training of teachers, approved by the State Superintendent of Public Instruction; and teachers holding a State certificate issued by the State Superintendent of Public Instruction since the year eighteen hundred and seventy-five, or holding a college graduate's certificate issued by the same authority, or persons who on the first Monday of February, nineteen hundred and two, were Associate Borough Superintendents of Schools in any Borough of The City of New York, may be exempted, in whole or in part, from such examination at the discretion of the City Superintendent.

REQUIREMENTS FOR ELIGIBILITY FOR LICENSES**A—ELEMENTARY SCHOOL LICENSES****I.—SUBSTITUTE LICENSE**

SEC. 68. To be eligible for a license as substitute in the elementary schools, the applicant must have one of the following qualifications:

(a) The completion of a year and a half of satisfactory work in New York City training schools, or in State normal schools located within The City of New York, and the passing of the examination for license No. 1.

(b) The holding of a City license to teach in public schools, and two years' experience in teaching.

(c) College graduation.

(d) The holding of a normal school diploma.

(e) The holding of a New York State certificate.

(f) The holding of a first grade county commissioner's certificate.

(g) High school graduation and two years' experience in teaching in graded schools.

(h) Eligibility for license No. 1.

(i) High school graduation and the completion of one and one-half years of satisfactory work in a State normal school located within The City of New York.

II.—KINDERGARTEN TEACHER

SEC. 69. To be eligible for license as kindergarten teacher, the applicant must have one of the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, or an equivalent academic training, or the passing of an academic examination; and the completion of a satisfactory course of professional training of at least two years, one of which has been devoted to the principles and practice of the kindergarten.

(b) Graduation from a satisfactory high school or institution of

equal or higher rank, or an equivalent academic training, or the passing of an academic examination; and the completion of a satisfactory course of professional training of at least one year in the principles and practice of the kindergarten, followed by two years' successful experience in kindergarten teaching.

III.—LICENSE NO. 1 (WOMEN)

SEC. 70. To be eligible for license No. 1, women applicants must have one of the following qualifications:

(a) (1) Graduation from a high school or academy having a course of study of not less than four years, or graduation prior to September 1, 1899, from a high school or academy having a course of study of not less than three years, approved by the State Superintendent of Public Instruction; and (2) graduation from a school or class for the professional training of teachers having a course of study of not less than two years, consisting of seventy-six weeks, approved (for City licenses) by the State Superintendent of Public Instruction; or in lieu of such graduation, graduation from a school or class for the professional training of teachers having a course of study of one year, approved (for City licenses) by the same authority, together with successful experience in teaching for one year of not less than thirty-eight weeks. (Graduates of City training schools who entered prior to March 1, 1902, shall be regarded as eligible for license No. 1 on completion of the course begun by them.)

(b) Graduation from a professional course of two years in a normal school, approved by the State Superintendent of Public Instruction, after graduation from an approved four years' high school course, together with (1) the passing of an academic examination set by the City Superintendent of Schools for admission to the training schools, or of an academic examination set by the State Superintendent of Public Instruction, or by the College Entrance Examination Board of the Middle States and Maryland for entrance to college, or the passing of other examination satis-

factory to the Board of Examiners, or (2) one year's successful experience in teaching. (Graduates of a State normal school situated within The City of New York who entered prior to March 1, 1902, shall be exempt from academic examination under (1).)

(c) Graduation from a four years' normal school course, approved by the State Superintendent of Public Instruction, together with two years' successful experience in teaching.

(d) Graduation from a satisfactory normal school or training school course of not less than two years, after graduation from a satisfactory high school, together with not less than three years' successful experience in teaching.

(e) Five years successful experience in teaching, together with the passing of an academic examination set by the City Superintendent of Schools for admission to training schools, or by the State Superintendent of Public Instruction for a State life certificate, given since 1892, or by the College Entrance Examination Board of the Middle States and Maryland for admission to college, or the passing of other academic examination approved by the Board of Examiners.

(f) Graduation from a college or university recognized by the Regents of the University of the State of New York, together with (1) the completion of a pedagogical course of at least one year satisfactory to the City Superintendent of Schools, or (2) three years' successful experience in teaching.

(g) Graduation from a normal college located within The City of New York, authorized by law to grant degrees, and approved by the State Superintendent of Public Instruction for the professional training of teachers.

LICENSE NO. 1 (MEN)

To be eligible for license No. 1, men applicants must have one of the following qualifications:

(h) Graduation from a college or university approved by the Regents of the University of the State of New York, together with (1) the completion of a pedagogical course of at least one

year, satisfactory to the City Superintendent of Schools, or (2) three years' successful experience in teaching.

(i) Graduation from one of the training schools of The City of New York, or from a State Normal school located within The City of New York, provided admission to such school took place prior to October 1, 1902.

IV.—LICENSE FOR PROMOTION

SEC. 71. 1. To be eligible for license for promotion to any grade in the last two years of the elementary school course, applicants must have the following qualifications:

(a) The holding of license No. 1.

(b) Successful experience in teaching, as determined by records and reports of superintendents and principals, equivalent to three years' experience in the public schools of The City of New York, including one year's experience in The City of New York.

(c) Examination in the principles and methods of teaching, or, in lieu of such examination, the completion in an approved institution of satisfactory courses amounting to at least sixty hours in principles and methods of teaching; and examination in one of the following subjects or groups of subjects as prescribed in the course of study for elementary schools: English (reading, grammar, composition); mathematics (arithmetic, elementary algebra, elementary geometry); history (United States History and Civics); geography and elementary science; constructive work and drawing; such other subjects or groups of subjects in the course of study as may be specified by the Board of Superintendents.

2. To be eligible for license as teacher of a graduating class, the applicant must have the following qualifications:

(a) The holding of a license for promotion or a higher license for elementary schools.

(b) Satisfactory experience in teaching equivalent to five years' experience in the public schools of this city, two of which shall have been in the grades of the last two years of the elementary school course.

V.—TEACHER OF SHOPWORK

Sec. 72. To be eligible for license as teacher of shopwork, the applicant must have one of the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, or an equivalent academic training, or the passing of an academic examination; and the completion of a satisfactory course of professional training of at least two years in shopwork.

(b) Graduation from a college course recognized by the Regents of the University of the State of New York, which includes satisfactory courses in the principles of education and in shopwork.

VI.—TEACHER OF A SPECIAL BRANCH

Sec. 73. 1. To be eligible for license as a special teacher of music, drawing and constructive work, sewing and physical training, the applicant must have the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, or an equivalent academic training, or the passing of an academic examination; (b) the completion of a satisfactory course of professional training of at least two years in the special branches he is to teach; (c) (1) except for teachers of sewing, three years' experience in teaching such special branch, which three years must not include the two years devoted to professional training; or six years' experience as a class teacher teaching the special subject a satisfactory portion of the time, which six years may be inclusive of the years devoted to professional training; (2) for teachers of sewing, one year of experience in teaching sewing, or three years' experience as a class teacher teaching sewing a satisfactory portion of the time, which three years may be inclusive of the years devoted to professional training.

Qualifications (a) and (b) shall render men applicants eligible for license as substitute teachers of physical training.

2. To be eligible for license as special teacher of cooking, the applicant must have one of the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, or an equivalent academic training, or the passing of an academic examination; and the completion of a satisfactory course of professional training of at least two years in cooking.

(b) Graduation from a college course recognized by the Regents of the University of the State of New York which includes satisfactory courses in the principles of education and in cooking.

(c) Graduation from a satisfactory high school or institution of equal or higher rank, or an equivalent academic training, or the passing of an academic examination; and the completion of a satisfactory course of professional training of at least one year, followed by two years' successful experience in teaching cooking.

3. To be eligible for license as special teacher in German or French, the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York, or an equivalent education; followed by the completion of a satisfactory course of one year in the principles of education and methods of teaching German or French; or, in lieu of such course, three years' satisfactory experience in teaching German or French.

VII.—DIRECTOR OR ASSISTANT DIRECTOR OF A SPECIAL BRANCH

SEC. 74. To be eligible for license as director or assistant director of a special branch, as music, drawing, kindergarten, physical training, etc., the applicant must have the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York; (b) graduation from a course of professional training of at least two years in the special branch that he is to supervise or teach; (c) at least three years' successful experience as teacher of such special branch.

VIII.—ASSISTANT TO PRINCIPAL

Sec. 75. To be eligible for license as assistant to principal in elementary schools, the applicant must have the following qualifications:

- (a) The holding of a permanent license No 1.
- (b) Not less than eight years' successful experience in teaching or supervision in the public schools of The City of New York, or experience rated as equivalent thereto.

IX.—PRINCIPAL

Sec. 76. To be eligible for license as principal in elementary schools, the applicant must have one of the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York, together with at least eight years' successful experience in teaching or supervision. The Master's degree in arts or sciences, given as the result of a graduate work in a university, may be accepted in lieu of one year of such experience. The Doctor's degree in philosophy or science, given as the result of graduate work in a university, may be accepted in lieu of two years of such experience.

(b) Successful experience in teaching or supervision in graded schools for at least ten years, at least five of which must have been in public schools, together with the successful completion of university or college courses satisfactory to the Board of Examiners, such courses to be in pedagogical subjects, and to amount to not less than 120 hours.

B.—HIGH SCHOOL LICENSES

I.—CLERICAL ASSISTANT

Sec. 77. To be eligible for license as clerical assistant in high schools, the applicant must have the following qualifications:

Graduation from a satisfactory high school or institution of equal or higher rank, and two years' satisfactory experience in office work subsequent to such graduation.

II.—LIBRARY ASSISTANT

SEC. 78. To be eligible for license as library assistant in high schools, the applicant must have one of the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, and the completion of a satisfactory course of at least two years in library economy, or, in lieu of such course, three years' satisfactory experience as librarian.

(b) Graduation from a college recognized by the Regents of the University of the State of New York, and one year's experience as librarian, or, in lieu of such experience, the completion of a course of one year in library economy.

III.—LABORATORY ASSISTANT

SEC. 79. To be eligible for license as laboratory assistant in high schools the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York (or from an equivalent institution) and the completion of satisfactory courses in physics and chemistry and in practical mechanics.

IV.—SUBSTITUTE TEACHER

SEC. 80. To be eligible for license as substitute teacher in high schools, the applicant must have one of the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York.

(b) For manual and commercial branches, graduation from a satisfactory high school or institution of equal or higher rank, and two years' satisfactory experience in teaching secondary schools.

V.—JUNIOR TEACHER

SEC. 81. To be eligible for license as junior teacher in high schools, the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York, together with the completion of a satisfactory pedagogical course of at least one year, or, in lieu of such course, one year's satisfactory experience in teaching secondary schools.

VI.—ASSISTANT TEACHER

SEC. 82. To be eligible for license as assistant teacher in high schools, the applicant must have one of the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York, and not less than three years' satisfactory experience as a teacher or as a laboratory assistant in secondary schools or in colleges. One year of satisfactory post-graduate work resulting in a degree may be accepted in lieu of one year of the required experience in teaching. For applicants for license to teach commercial subjects, or stenography and typewriting, satisfactory experience in business, not exceeding two years in duration, may be accepted in lieu of an equal period in teaching.

(b) Graduation from a college or university recognized by the Regents of the University of the State of New York, and two years' satisfactory post-graduate work in the subject in which the applicant seeks a license and in the science of education, and one year of satisfactory experience in teaching in colleges or in secondary schools or in the last two years of elementary schools, which year of experience must be concurrent with said post-graduate work. For applicants for license to teach commercial subjects, or stenography and typewriting, one year of satisfactory experience in business may be accepted in lieu of the one year of teaching.

(c) Graduation from a college or university recognized by the Regents of the University of the State of New York, and five years'

satisfactory experience in teaching, at least two of which shall have been in high schools or in the last two years of the New York City public elementary schools. For applicants for license to teach commercial subjects, or stenography and typewriting, satisfactory experience in business, not to exceed three years, may be accepted year for year in lieu of any part of the required experience in teaching.

(d) Graduation upon completion of a satisfactory high school course, or an equivalent academic education; seven years' satisfactory experience in teaching, including either two years of teaching in grades of the last two years of the New York City public elementary schools, or five years of teaching in secondary schools; and the completion of satisfactory university or college courses in the subject in which the applicant seeks a license amounting to not less than 120 hours, at least thirty of which shall have been in the science of education. For applicants for license to teach commercial subjects, or stenography and typewriting, satisfactory experience in business may be accepted, year for year, in lieu of any part, not exceeding five years, of the required experience in teaching, and satisfactory commercial courses of study may be accepted in lieu of the required college courses.

(e) Applicants for license to teach music, art, physical training, or any branch of manual training, may qualify under any of the preceding heads, and also under the following:

Graduation from a satisfactory high school course, or from an institution of equal or higher rank, and two years of professional training in the subject in which the applicant seeks a license; and four years' satisfactory experience in teaching such special subject. In the case of teachers of manual training, satisfactory experience in shop practice, not to exceed two years, may be accepted in lieu of an equal period of experience in teaching.

VII.—FIRST ASSISTANT

SEC. 83. License as a first assistant in high schools may be granted in any of the following subjects: English; classical lan-

guages; modern languages; history and civics; biological science; physical science, including physics, chemistry, geography, physiography; mathematics; mechanic arts; fine arts; commercial subjects.

To be eligible for license as first assistant in high schools, the applicant must have one of the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York, and one year's satisfactory post-graduate study, which year may be concurrent with teaching experience; and five years' satisfactory experience in teaching in secondary schools or in colleges, three of which shall have been in the New York City high schools.

(b) Graduation from a college or university recognized by the Regents of the University of the State of New York, and one year's satisfactory post-graduate study, which year may be concurrent with teaching experience; and seven years' satisfactory experience in teaching in secondary schools or in colleges.

VIII.—PRINCIPAL

SEC. 84. To be eligible for license as principal in high schools, the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York, and ten years' satisfactory experience in teaching or supervision, at least five of which must have been in secondary schools, in the position of Superintendent or in that of Examiner in The City of New York.

C.—TRAINING SCHOOL LICENSES

I.—CLERICAL ASSISTANT

SEC. 85. To be eligible for license as clerical assistant in training schools, the applicant must have the following qualifications:

Graduation from a satisfactory high school or institution of equal or higher rank, and two years' satisfactory experience in office work subsequent to such graduation.

II.—LIBRARY ASSISTANT

SEC. 86. To be eligible for license as library assistant in training schools, the applicant must have one of the following qualifications:

(a) Graduation from a satisfactory high school or institution of equal or higher rank, and the completion of a satisfactory course of at least two years in library economy, or in lieu of such course, three years' experience as librarian.

(b) Graduation from a college, and one year's experience as librarian, or, in lieu of such experience, the completion of a course of one year in library economy.

III.—MODEL TEACHER

SEC. 87. To be eligible for license as model teacher in training schools, the applicant must have one of the following qualifications:

(a) Two years' professional training or its equivalent; the holding of permanent license No. 1; four years' satisfactory experience in teaching.

(b) One year's professional training or its equivalent; graduation from a college or university recognized by the Regents of the University of the State of New York; the holding of permanent license No. 1; three years' satisfactory experience in teaching.

(c) One year's professional training or its equivalent; graduation from a college located within The City of New York authorized by law to grant degrees, and approved by the State Superintendent of Public Instruction for the professional training of teachers; the holding of permanent license No. 1; three years' satisfactory experience in teaching.

IV.—CRITIC TEACHER

SEC. 88. To be eligible for license as critic teacher in training schools, the applicant must have one of the following qualifications:

(a) Two years' professional training or its equivalent; the holding of permanent license No. 1; four years' satisfactory experience in teaching.

(b) One year's professional training or its equivalent; graduation from a college or university recognized by the Regents of the University of the State of New York; the holding of permanent license No. 1; three years' satisfactory experience in teaching.

(c) One year's professional training or its equivalent; graduation from a college located within The City of New York authorized by law to grant degrees, and approved by the State Superintendent of Public Instruction for the professional training of teachers; the holding of permanent license No. 1; three years' satisfactory experience in teaching.

V.—ASSISTANT TEACHER

SEC. 89. To be eligible for license as assistant teacher in training schools, the applicant must have one of the following qualifications:

(a) Graduation from a college or university recognized by the Regents of the University of the State of New York; one year's professional training or its equivalent; four years' satisfactory experience in teaching.

(b) Seven years' satisfactory experience in teaching; two years' college or university work in the subject in which the applicant seeks a license and in the science of education.

VI.—FIRST ASSISTANT

SEC. 90. To be eligible for license as first assistant in training schools, the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York; one year's pedagogical training; six years' satisfactory experience in teaching, two of which must have been in normal or training schools.

VII.—PRINCIPAL IN A MODEL SCHOOL

SEC. 91. To be eligible for license as principal in a model school, the applicant must have one of the following qualifications:

(a) The holding of a permanent license as principal in elementary schools.

(b) The holding of a permanent license as first assistant in training schools.

VIII.—PRINCIPAL

SEC. 92. To be eligible for license as principal of a training school, the applicant must have the following qualifications:

Graduation from a college or university recognized by the Regents of the University of the State of New York; ten years' satisfactory experience in teaching or supervision, five of which must have been in normal or training school work, or in a college or university department of education, in the position of Superintendent or in the position of Examiner in The City of New York.

D.—EVENING ELEMENTARY SCHOOL LICENSES

I.—TEACHER OF A SPECIAL BRANCH

SEC. 93. To be eligible for license as teacher of a special branch in evening elementary schools, the applicant must have one of the following qualifications:

(a) A high school education or its equivalent, and the completion of a satisfactory course of study in the special branch or in methods of teaching, or in lieu of such course of study one year's satisfactory experience in teaching the subject in which the applicant seeks a license.

(b) Three years' satisfactory experience in teaching.

II.—TEACHER OF COMMON BRANCHES

SEC. 94. To be eligible for license as teacher of common branches in evening elementary schools, the applicant must have one of the following qualifications:

- (a) Graduation from a college.
- (b) Eligibility for license No. 1.

III.—PRINCIPAL

SEC. 95. To be eligible for license as principal in evening elementary schools, the applicant must have one of the following qualifications:

- (a) A license as head of department or assistant to principal.
- (b) Eligibility for license as principal in elementary schools.

E.—EVENING HIGH SCHOOL LICENSES

I.—ASSISTANT TEACHER

SEC. 96. 1. To be eligible for license to teach any subject in evening high schools, except drawing, commercial branches, stenography, or typewriting, the applicant must have one of the following qualifications:

- (a) Graduation from a college or university recognized by the Regents of the University of the State of New York.
- (b) Eligibility for license as junior or assistant teacher in day high schools.
- (c) The holding of a license for promotion.

2. To be eligible for license to teach drawing, commercial branches, or stenography, or typewriting, in evening high schools, the applicant must have (a) one of the qualifications stated in subdivision 1 of this section, or the following: (b) A high school education or its equivalent and the completion of a satisfactory course of at least one year in the special subject, or in lieu of such course two years' experience in day or evening schools in teaching such special subject.

II.—PRINCIPAL

SEC. 97. No person shall be appointed principal in evening high schools who is not a principal in elementary day schools, or who is not a first assistant in or principal of a day high school, or who is not eligible for a license as first assistant in a day high school.

F.—VACATION SCHOOL LICENSES

I.—CLERK

SEC. 98. To be eligible for license as clerk in vacation schools, schools, the applicant must have the following qualification:

(a) The holding of a license as substitute teacher, or of a higher license.

(b) The equivalent of a high school education.

(c) Successful experience for not less than six weeks in a vacation school, vacation playground, or recreation centre.

II.—KINDERGARTEN HELPER

SEC. 99. To be eligible for license as kindergarten helper in vacation schools, the applicant must have the following qualification:

The completion of a satisfactory course of one year in kindergarten training.

III.—KINDERGARTNER

SEC. 100. To be eligible for license as kindergartner in vacation schools, the applicant must have one of the following qualifications:

(a) The completion of a satisfactory course of two years in kindergarten training.

(b) The completion of a satisfactory course of one year in kindergarten training, together with one year's successful experience as teacher or assistant teacher in kindergarten work.

(c) The completion of a satisfactory course of one year in kindergarten training, and satisfactory experience for twelve weeks as kindergarten helper in vacation schools or playgrounds.

IV.—TEACHER

SEC. 101. To be eligible for license as teacher in vacation schools, the applicant must have one of the following qualifications:

- (a) The completion of a satisfactory course in the special branch.
- (b) Satisfactory experience in teaching such special branch.

V.—PRINCIPAL

SEC. 102. To be eligible for license as principal in vacation schools, the applicant must have one of the following qualifications:

- (a) The holding of a permanent license No. 1 or a higher license and four years' satisfactory experience in teaching.
- (b) Three years' satisfactory experience in school supervision.

VI.—SUPERVISOR

SEC. 103. To be eligible for license as supervisor of vacation schools, the applicant must have one of the following qualifications:

- (a) The holding of a license to teach the special branch in the elementary schools or in high schools; or the possession of the qualifications required for eligibility for such license.
- (b) Successful experience as such supervisor in vacation schools during two summer periods.

VII.—INSPECTOR

SEC. 104. To be eligible for license as inspector of vacation schools, vacation playgrounds, recreation centres and swimming schools, the applicant must have one of the following qualifications:

- (a) Graduation from a college or from a school of professional training, together with one year's successful experience in supervision.

(b) Satisfactory experience for four seasons in vacation schools, vacation playgrounds, or recreation centres.

G.—VACATION PLAYGROUNDS

I.—LIBRARIAN

SEC. 105. To be eligible for license as librarian in vacation playgrounds, the applicant must have one of the following qualifications:

- (a) Graduation from a college.
- (b) One year's satisfactory experience as librarian, or, in lieu of such experience, the completion of a course of one year in library economy.

II.—PIANIST

SEC. 106. To be eligible for license as pianist in vacation playgrounds, the applicant must have one of the following qualifications:

- (a) Completion of a satisfactory course in piano playing.
- (b) One year's satisfactory experience in piano teaching.

III.—ASSISTANT TEACHER

SEC. 107. To be eligible for license as assistant teacher in vacation playgrounds, the applicant must have one of the following qualifications:

- (a) The holding of a license as substitute teacher or of a higher license.
- (b) The equivalent of a high school education.
- (c) Successful experience as assistant teacher for a summer period of at least six weeks in public vacation playgrounds in New York City.
- (d) Successful experience as assistant teacher for a period of at least twenty weeks in New York City recreation centres.
- (e) Satisfactory experience as assistant in an organized play-centre or club.

IV.—TEACHER

SEC. 108. To be eligible for license as teacher in vacation playgrounds, the applicant must have one of the following qualifications:

(a) College graduation, together with satisfactory training or experience in athletics.

(b) The completion of a satisfactory course of one year in physical training or in the theory and practice of the kindergarten, and either satisfactory experience as assistant teacher in vacation playgrounds during twelve weeks, or one year's satisfactory experience as assistant teacher in recreation centres.

V.—PRINCIPAL

SEC. 109. To be eligible for license as principal in vacation playgrounds, the applicant must have one of the following qualifications:

(a) The holding of a day school license to teach physical training or to teach kindergarten or the possession of the qualifications required for eligibility for such license, together with two years' satisfactory experience in teaching.

(b) The completion of a satisfactory course of one year in the theory and practice of physical training or in the theory and practice of the kindergarten, and two years' satisfactory experience in teaching.

VI.—SUPERVISOR

SEC. 110. To be eligible for license as supervisor of vacation playgrounds, the applicant must have one of the following qualifications, according to the nature of the position:

(a) For supervisor of kindergarten work, the holding of a day school license as kindergarten teacher, or the possession of the qualifications required for eligibility for such license.

(b) For supervisor of physical training, the holding of a day

school license to teach physical training, or the possession of the qualifications required for eligibility for such license.

(c) For supervisor of nature study, graduation from a college, together with special training in biology.

RECREATION CENTRES

I.—JUNIOR ASSISTANT

SEC. 111. To be eligible for license as junior assistant in recreation centres, the applicant must have one of the following qualifications:

(a) The pursuit of undergraduate study in college for at least two years, provided the applicant has attained the age of twenty and evidences special aptitude for the direction of children at play.

(b) Satisfactory experience as assistant in an organized play-centre or club.

II.—BATH TEACHER

SEC. 112. To be eligible for license as bath teacher in recreation centres, the applicant must have the following qualification:

Satisfactory experience in supervision.

III.—LIBRARIAN

SEC. 113. To be eligible for license as librarian in recreation centres, the applicant must have one of the following qualifications:

(a) Graduation from a college.

(b) One year's satisfactory experience as librarian, or in lieu of such experience the completion of a course of one year in library economy.

IV.—PIANIST

SEC. 114. To be eligible for license as pianist in recreation centres, the applicant must have one of the following qualifications:

(a) Completion of a satisfactory course in piano playing.

(b) One year's satisfactory experience in piano teaching.

V.—ASSISTANT TEACHER

SEC. 115. To be eligible for license as assistant teacher in recreation centres, the applicant must have one of the following qualifications:

(a) The holding of a license as substitute teacher, or the possession of the qualifications for such license or for higher licenses.

(b) Successful experience as assistant teacher for a summer period of at least six weeks in public vacation playgrounds in New York City.

(c) Successful experience as junior assistant for a period of at least one year in New York City recreation centres.

VI.—TEACHER

SEC. 116. To be eligible for license as teacher in recreation centres, the applicant must have one of the following qualifications:

(a) The completion of three years' undergraduate study in college.

(b) The completion of one year's course in the theory and practice of physical training.

(c) One year's satisfactory experience as assistant teacher in recreation centres, or satisfactory experience for two seasons in vacation playgrounds.

VII.—PRINCIPAL

SEC. 117. To be eligible for license as principal in recreation centres, the applicant must have one of the following qualifications:

(a) Graduation from a college and one year's successful experience in teaching or supervision.

(b) Possession of one of the qualifications required for eligibility for license No. 1, or for a higher license, with four years' experience in teaching.

SWIMMING SCHOOLS

I.—TEACHER

SEC. 118. To be eligible for license as teacher in swimming schools, the applicant must have the following qualification:

Satisfactory experience in swimming.

II.—SUPERVISOR

SEC. 119. To be eligible for license as supervisor in swimming schools, the applicant must have the following qualification:

Experience and training satisfactory to the Board of Examiners.

H.—TRUANT SCHOOLS AND UNGRADED CLASSES

I.—TEACHER IN TRUANT SCHOOL OR OF AN UNGRADED CLASS

SEC. 120. To be eligible for license as teacher in a truant school or an ungraded class, the applicant must have the following qualification:

Three years' experience in teaching.

II.—PRINCIPAL OF A TRUANT SCHOOL

SEC. 121. To be eligible for license as principal of a truant school, the applicant must have one of the following qualifications:

(a) The qualifications required for principal of an elementary day school.

(b) Five years' experience in teaching, at least two of which must have been devoted to teaching in truant schools or to work of a kindred nature.

JANITORS, JANITOR-ENGINEERS, ENGINEERS AND CLEANERS

SEC. 122. 1. No person shall be eligible for the position of janitor or janitor-engineer who is unmarried at the time of appointment and under the age of twenty-five years.

2. Every janitor, janitor-engineer and cleaner shall, on appoint-

ment, file with the Supervisor of Janitors a certificate from the Board of Health or a duly qualified practicing physician that he or she has been properly vaccinated. On the first day of October and on the first day of April in each year, every janitor, janitor-engineer and cleaner in charge of a school building shall file with the Supervisor of Janitors a complete list of all persons employed by him or her in caring for said building and a list of the members of his or her family, if any, who reside in said building, with a certificate of vaccination of each person so employed or so residing. Such certificates shall be renewed at least once in five years. In the case of persons engaged for service in a school building between the dates above named, certificates of vaccination shall be filed with the Supervisor of Janitors within ten days.

3. Every janitor, janitor-engineer, cleaner or other employee in charge of a school building shall reside within 500 yards of such building, measured by the nearest route through the public streets, unless by permission of the Supervisor of Janitors, and any permission so given shall be reported to the Committee on Care of Buildings.

4. A janitor not residing in his school building shall furnish and maintain at all times in a conspicuous position at the main entrance of such building, so as to be visible from the street, a sign giving his name and residence, according to a form prescribed by the Supervisor of Janitors.

5. He shall provide himself with a prescribed cap, to be worn whenever he is on duty, and see that all his assistants are provided in like manner.

6. A janitor of a school building in which there are girls shall have at least one woman assistant of mature age who shall be in attendance from the opening of the building, and who shall, in addition to her general duties as assistant, be specially charged with overlooking the yards and playgrounds of the girls' department and classes, and the care of the rooms and toilet rooms of women teachers. Exceptions to this rule may be made by the Committee on Care of Buildings.

7. No janitor or assistant who cannot speak and read English shall be employed.

8. Personal illness on the part of a janitor sufficient to incapacitate him from service, and all absences from duty, shall be immediately reported by the principal of the school to the Supervisor of Janitors, together with the name of the person placed in charge of the building; and pay shall be forfeited for the time lost through absence, unless the same is excused by the Committee on Care of Buildings.

9. In schools where but one person is employed, whether a janitor, a cleaner, or an engineer, in case such person is incapacitated and fails to furnish a substitute, provision shall be made by the Supervisor of Janitors, so that assistance may promptly be given and the janitor service maintained.

10. Application by a janitor for excuse for absence with pay on account of illness shall be forwarded to the Supervisor of Janitors and shall be accompanied by a physician's certificate; and application for excuse for absence for any other cause shall be accompanied by a written statement certified by the principal.

11. A janitor who has been one year or longer in the service of the Board, calculated from July 1 of any year, may be granted, in the discretion of the Committee on Care of Buildings, a vacation with pay, not exceeding ten days in duration, dated from 12 m. of any day from July 1 to September 1, provided that the Supervisor of Janitors shall certify that the janitor is not required at the school building during the time of the proposed vacation; and provided that the school building be left by the janitor in charge of a responsible assistant, whose name and residence must be certified to the Supervisor of Janitors two days prior to the date of the beginning of said vacation, and the receipt of such certificate shall be acknowledged in writing by said Supervisor. A janitor thus leaving his building in charge of another shall be held responsible for that person's acts.

12. In the event of there being at any time a case of contagious or infectious disease in the family of a janitor, he shall at once

report the fact in writing to the principal of the school and also to the Supervisor of Janitors, with a written statement from an attending physician stating the nature of the disease, and whether or not the patient is isolated, what other precautions have been taken, and whether it will be safe for the janitor to perform his duties in the school building.

13. A janitor shall report at the office of the Supervisor of Janitors, at least once each month, the condition of the heating, ventilating, electric light and power plants in the building under his charge, and sign his name in the register kept for that purpose.

14. Any janitor, janitor-engineer, cleaner or other employee under the supervision and control of the Committee on Care of Buildings, intending to resign his position, shall give said Committee at least ten days' notice of his intention to so resign, under a penalty, for a failure to comply with this by-law, of a deduction of ten days' pay from his salary.

SEC. 123. 1. The janitor of a school building shall devote his entire time to the care of the building in his charge, and shall be either personally present in such building or have one of his assistants present from 8 A. M. to 5 P. M. each day, except Sunday, and during such other hours as the building is in actual use. He shall also visit the building at least once on each Sunday.

2. He shall report personally to the senior principal of the building at the beginning of each daily session; shall be in attendance at the building during school hours, and shall at all times be ready to render personal assistance in case of emergency.

3. He shall take every possible care and precaution for the safety and preservation of the building and school property.

4. He shall receive, if required, all mail matter for the principals, teachers, and school officers, and on school days immediately and personally deliver the same to the principal.

5. He shall report to the principal any instance of the use of any piano before 8.45 A. M., or after the close of the school session, and by whom the same was used.

6. He shall prevent any unauthorized person from entering the building or meddling with any part thereof or with property therein.

7. No dogs or fowls shall be kept on any part of any school premises, and smoking shall not be allowed in any school building at any time.

8. The janitor shall have all the gates or doors leading from the street to the buildings and yards open on all school days at 8.30 A. M., and on stormy days at 8.15 A. M., and close them thirty minutes after the close of the school session, unless otherwise directed by the senior principal. All exits shall be left unfastened on the inside during school hours. The doors to the main entrance shall be left unfastened from 8 A. M. until thirty minutes after the close of the school session on all school days.

9. He shall visit every room, watercloset, passage, stairway, yard, etc., on the school premises before securing the exits at the close of each school day.

10. He shall display the United States National colors upon (or near) the school building on all designated legal holidays from sunrise to sunset and on each school day, raising the flag at 8.30 A. M. and lowering the same at the close of the school session, and at such other times as the Board of Education may direct, and shall keep and maintain the flags in good order and repair. No flag other than the United States National colors shall be so displayed at any time. Special orders in regard to display of flags shall be given by the President of the Board of Education. The colors on Decoration Day shall be displayed at half-mast.

11. He shall regularly wind and regulate the clocks throughout the school building, and report to the principal if any are out of order.

12. He shall keep a sufficient supply of toilet paper in every watercloset on the school premises.

13. He shall report in writing immediately to the principal and the Superintendent of School Buildings any damage done to school

property, and, in case of fire or other great disaster to school premises shall immediately notify the Superintendent of School Buildings.

14. He shall notify in writing the Superintendent of School Buildings whenever any contractor begins work at the school in his charge.

15. He shall make small repairs to the heating apparatus, locks, doors, furniture, etc., and if adjustable furniture is used make such adjustments in the height thereof as may be required. All worn-out and leaking washers shall be replaced from time to time as occasion may require.

16. He shall replace all broken glass and sash cords of the windows with new as often as they may be broken; new glass and sash cords to be obtained from the Superintendent of School Supplies, subject to such rules and regulations as the Committee on Supplies may prescribe.

17. He shall examine all work being done upon the premises in his charge, and report immediately to the Deputy Superintendent of School Buildings for the Borough any observation of defective materials or bad workmanship, any overcharge for time and materials, or any failure to comply with specifications.

18. He shall disconnect electric light and power current from the school building at the service switch upon leaving the school building each night. Record must be taken and kept, with dates, of the gas and electric meter readings on the first day of each month, of all gas and electric meter readings when made by the gas and electric companies, and of the readings of all gas and electric meters when installed and when removed, and report of the same shall be made in writing to the Auditor of the Board of Education.

19. He shall keep, in a book provided for that purpose, a correct list of all movable articles of furniture, fittings, etc., exclusive of those furnished under the list of supplies, and add thereto all articles, such as desks, seats, radiators, etc., which for any reason are removed from their places and left unsecured or disconnected.

6. He shall prevent any unauthorized person from entering the building or meddling with any part thereof or with property therein.

7. No dogs or fowls shall be kept on any part of any school premises, and smoking shall not be allowed in any school building at any time.

8. The janitor shall have all the gates or doors leading from the street to the buildings and yards open on all school days at 8.30 A. M., and on stormy days at 8.15 A. M., and close them thirty minutes after the close of the school session, unless otherwise directed by the senior principal. All exits shall be left unfastened on the inside during school hours. The doors to the main entrance shall be left unfastened from 8 A. M. until thirty minutes after the close of the school session on all school days.

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17. He shall examine all work being done upon the premises in his charge, and report immediately to the Deputy Superintendent of School Buildings for the Borough any observation of defective materials or bad workmanship, any overcharge for time and materials, or any failure to comply with specifications.

18. He shall disconnect electric light and power current from the school building at the service switch upon leaving the school building each night. Record must be taken and kept, with dates, of the gas and electric meter readings on the first day of each month, of all gas and electric meter readings when made by the gas and electric companies, and of the readings of all gas and electric meters when installed and when removed, and report of the same shall be made in writing to the Auditor of the Board of Education.

19. He shall keep, in a book provided for that purpose, a correct list of all movable articles of furniture, fittings, etc., exclusive of those furnished under the list of supplies, and add thereto all articles, such as desks, seats, radiators, etc., which for any reason are removed from their places and left unsecured or disconnected.

He shall also enter in said book a complete and accurate list of all articles of furniture, including pianos and radiators, that are in use in any part of the school building.

20. He shall see that no articles are removed from the school building by any person except on a written order from the Superintendent of School Buildings or the Deputy Superintendent of School Buildings for the Borough. He shall see that all such deliveries and the receipt of new furniture, pianos, radiators, etc., are immediately entered in the book specified in subdivision 19. All entries must be made in ink; no erasure of any word or figure shall be made other than by simply drawing a pen through the word or figures, but not so as to destroy the legibility of the same. The inventory book must be kept in a careful manner and in a clean condition, and must be submitted to the inspector assigned to the district in which the school is situated, for verification and approval, by the 15th of each month.

21. He shall at the end of each school year receive from the principal all school supplies in the building, also all keys, and give a receipt for the same; and he shall be held responsible for all supplies in the storeroom during all times when the same is not in charge of the principal.

22. He shall honor all requisitions made by the Superintendent of School Supplies for the transfer of school supplies from one school building to another.

23. He shall sweep all the rooms, entries, passages, stairways, playgrounds, yards and closets used for school purposes, and shall dust all furniture and fixtures in the rooms and all window sills, wainscoting and woodwork after the close of school on each school day and before 8 o'clock in the morning of the next school day thereafter.

24. He shall, at least once in each school month, scrub the floors in all entries, passages and stairways and in all rooms occupied for school purposes, and shall dust the side walls, blinds and cornices, and clean the windows every two months, or oftener if neces-

sary. Blackboards shall be washed and thoroughly cleaned whenever required by the principal. Water must not be poured or spilled on the floors from pails or hose.

25. At least once each week the doors and door knobs of school rooms and the hand rails and banisters of stairs shall be washed with a solution of one-half pound of washing soda to three gallons of water.

26. Floors and seats of sanitariums shall be washed, thoroughly cleaned and disinfected every day after school sessions and kept dry during sessions. All pupils' ranges, water-closets, urinals and stalls shall be cleaned down with diluted muriatic acid once each month.

27. Janitors shall thoroughly clean the school buildings under their charge immediately prior to the opening of the schools in September in each year.

28. The water supply to all automatic flushing sanitary apparatus shall be turned off at the close of school each day, and on again just before the opening of school in the morning. Every precaution shall be taken in cold weather to prevent all pipes and other apparatus from freezing.

29. All storage water tanks shall be emptied, scrubbed and thoroughly cleaned at least once each year, during the vacation period.

30. The janitor shall keep in order the store rooms, boiler rooms and cellars, and allow no accumulation of ashes, waste paper or refuse therein. All ashes and refuse shall be put into metal cans furnished by the Board of Education, which shall be placed on the sidewalk daily for removal.

31. All smoke pipes, boiler tubes and sections shall be kept cleaned and free from soot and ashes, and the tops of all smoke, steam and water pipes clear of dust. Fronts of boilers and furnaces shall be kept neatly painted with black varnish and all stoves neatly polished.

32. Ash pits shall be kept free from accumulation of ashes and cinders, and every care taken of the grates in order that they may

not be ruined by neglect to keep the pits free and by failure to turn and leave revolving grates with flat sides up.

33. Cremating sanitariums shall be burned and cleaned out once each month, and fire shall be continuously kept going in the stack heaters in all sanitary vent flues from the opening of school in September until they are burned and cleaned out at the close of school in June. During the vacation period the shutters shall be taken down from the indirect stacks, and the stacks, heat and vent flues, the cold air inlets, and the registers in classrooms, shall be thoroughly cleaned and dusted.

34. The janitor shall thoroughly ventilate every classroom at the close of each school day by opening windows and doors, except in case of storm, and again between the hours of 7 and 8 A.M., weather permitting.

35. He shall have the temperature of all rooms occupied for school purposes at not less than 60 degrees Fahrenheit, at 8 A.M. on each school day, and maintain the temperature between 68 and 72 degrees Fahrenheit throughout such rooms from 9 A.M. until school is dismissed.

36. He shall have the ventilating apparatus in full and complete operation by 8.50 A.M. each school day, and run the same to its full capacity during school sessions, unless otherwise specially directed by the Superintendent of School Buildings. A stoppage exceeding twenty minutes in duration will be regarded as a violation of this rule, and will subject the janitor to forfeiture of pay for the day or days (portion of a day exceeding twenty minutes to be regarded as a full day) during which the apparatus is not in operation.

37. He shall keep roof playgrounds, sidewalks, gutters, yards and grass plots clear and clean.

38. He shall remove all snow from sidewalks and gutters in front of the school building before 8 o'clock in the morning of every school day on which snow falls; and in all cases within the time fixed for removal of snow by corporation ordinances; and shall remove all snow from all yards, pavements and passages

within twenty-four hours after the cessation of any storm. He shall keep fire escapes clear and clean at all times.

39. He shall visit the roofs at least once each week and examine the same. Snow and other accumulation must be removed from roof playgrounds and all gutters, leaders and leader heads, and the same kept free at all times. Birds' nests shall be cleared from all parts of the building, and birds prevented from building or roosting in any part of the building.

40. The janitor shall preserve intact all burned out or otherwise defective electric lamps in buildings having electric light service, and when required shall deliver the same to the electric light company and receive in return the proper equivalent of perfect lamps. When defective lamps have accumulated to the extent of 75 per cent. of the reserve, the janitor shall notify the electric light company to exchange the same.

41. He shall see that the brushes of dynamos and motors are kept in proper alignment, with good spring tension contact with commutator and free from sparking; that commutators are kept clean and free from brush dirt and grease. In cleaning commutators only No. 00 sandpaper and cloth as free from lint as possible shall be used; under no circumstances must emery cloth be used.

42. He shall, before starting motors, see that the starting or controlling rheostats are in the "off" position, before the main switch is thrown in. On alternating current motors, care must be taken, after shutting down, that the switch of auto-starter is in the "off" position or between points, particularly when also controlled by a main switch at switch-board or at service; where no auto-starter is used and resistance is in the secondary of the motor, the handle controlling the resistance must be immediately pulled out as far as it will go before leaving the motor and after pulling the controlling switch.

43. Oil cups must be kept properly filled, and when motors or dynamos are not in use shall be carefully covered with the covers provided for the purpose.

44. The janitor shall replace blown-out fuses by new of the

same size; he shall keep on hand a proper supply of fuses. In the event of a fuse blowing more than once at any particular time, the circuit protected by said fuse shall be left disconnected and the Superintendent of School Buildings notified at once.

SEC. 124. 1. An applicant for the position of engineer in a school building in which there is any machinery, such as pumps, engines, dynamos, fans, etc., besides having the qualifications required by the Civil Service Commission, shall present to the Supervisor of Janitors a certificate from some reputable employer showing that the applicant has had actual experience of at least two years in the care of similar machinery and is fully competent to take charge of and make repairs to the same, and in the case of a high pressure boiler he shall produce an engineer's license, or a series thereof, issued by the Bureau of Inspection of Steam Vessels, or the Sanitary Squad of the Police Department of The City of New York, or like examiners duly authorized by law, covering a period of two years, which shall certify that the applicant has been examined and licensed as an engineer of not less than second grade.

2. During the school term when steam pressure is on the boilers, the engineer shall remain in and about the boiler room.

3. He shall have charge of and be responsible for the boilers, engines, dynamos, pumps, fans, steam pipes and all apparatus under his charge, and take every precaution for the safety of the same.

4. He shall provide, as far as practicable, against damage to any portion of the school property arising from the use or non-use of said apparatus.

5. In case repairs are necessary beyond his ability to make, he shall immediately report the necessity thereof to the Deputy Superintendent of School Buildings for the Borough.

6. Cleaners in school buildings employed by the Board of Education shall be under the supervision of the principal and subject to all of the rules and regulations governing janitors.

7. The principal of each school or department shall see that

these rules are carried out by the janitor, and shall immediately report in writing to the Supervisor of Janitors any delinquency on the part of a janitor, engineer or cleaner.

COMMISSIONS PROHIBITED

SEC. 125. No person appointed by the Board shall receive, directly or indirectly, any commission, royalty or other consideration, except the compensation prescribed by the Board, for any service performed or sale effected, or for any article, invention or material used in erecting, furnishing or supplying any school building or department under the jurisdiction of the Board. The provisions of this section shall not apply to authors of school books used in any of the public schools because of any interest they may have as authors in such books.

AMENDMENTS TO THE BY-LAWS

SEC. 126. None of these by-laws shall be suspended, repealed or amended at any meeting, except by a vote of two-thirds of all the members of the Board.

BOARD OF EDUCATION

RULES OF ORDER

First. In case the President and Vice-President shall not attend at the time appointed for any meeting of the Board, the Secretary shall call the roll, and, on the appearance of a quorum, shall call the Board to order, when a President *pro tempore* shall be appointed by the Board for that meeting, or until the appearance of the President or Vice-President.

Second. The President may substitute any other member to preside in his place, but such substitution shall not continue beyond the meeting at which it shall be made. The presiding officer shall decide all questions of order, subject to an appeal to the Board.

Third. When the Secretary is not present at any meeting, his duties shall be performed by the Assistant Secretary or the Chief Clerk.

Fourth. Previous to each meeting, the Secretary shall prepare a calendar of the business of the day, including the resolutions or reports on the table.

Fifth. The order of business at every meeting shall be (except when otherwise specially ordered) as follows:

1. Consideration of the Minutes of the previous meeting.
2. Communications and reports:
 - (a) From the Mayor.
 - (b) From officers of the Board.
 - (c) From Local School Boards.
 - (d) From other officials.
 - (e) Miscellaneous.
3. Presentation of the Minutes of the Executive Committee.
4. Consideration of reports laid over from previous meetings.
5. Reports from the Executive Committee.
6. Reports of Standing Committees.
7. Reports of Special Committees.
8. Motions and resolutions.
9. Unfinished business.
10. New business.

RULES OF ORDER

Upon the presentation of any paper under the 2d order of business, it shall be referred to the appropriate Committee or ordered on file without debate, unless the Board, by a vote of two-thirds of the members present, shall otherwise direct, except that a motion to print may be made, which shall also be decided without debate.

The regular order of business may at any time be suspended by a vote of two-thirds of the members present.

Sixth. All resolutions shall be presented in writing, with the name of the mover. When so presented they shall be read, but shall not be considered until seconded.

Seventh. Motions to refer, to lay on the table, to adjourn, and for the previous question shall always be in order, and, except the motion to refer, shall be put without debate. A vote of the Board ordering the previous question shall be taken by the yeas and nays, and shall preclude further debate, but shall not cut off pending amendments. Each pending amendment shall be decided in order, and by yeas and nays, if requested.

Eighth. No member shall withdraw from any meeting without the permission of the President.

Ninth. Before speaking, a member shall rise and address the presiding officer.

Tenth. No member shall speak more than twice on the same question without leave of the Board, or more than once until every other member choosing to speak shall have spoken; nor shall any member be allowed to speak more than ten minutes at any one time upon any subject under consideration, unless by the consent of a majority of the members present.

Eleventh. When a question is put, every member present shall vote for or against the same, unless excused by the Board.

Twelfth. On any question the yeas and nays may be called and entered upon the Minutes at the request of any member.

BOARD OF EDUCATION

Thirteenth. The Board may refer any matter to the Committee of the Whole, and may, at pleasure, go into Committee of the Whole.

Fourteenth. Reports of Committees shall be laid over for consideration at the next meeting of the Board subsequent to their presentation, upon the request of six members; such request must be made before or immediately after the reading of any report. All reports laid over under this rule shall be considered at the next meeting after presentation.

Fifteenth. A motion to reconsider a vote may be made at the same meeting at which the vote was taken or at the next succeeding meeting by any member who voted with the majority; but no vote for reconsideration shall be taken more than once on the same subject.

Sixteenth. The eighth, ninth, tenth, eleventh and fifteenth rules of order shall apply to the Committee of the Whole.

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PART II





EDUCATIONAL CHAPTER

OF THE

REVISED CHARTER

AND

OTHER CHARTER PROVISIONS AND STATUTES
APPERTAINING TO THE
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EDUCATIONAL CHAPTER

OF THE

REVISED NEW YORK CITY CHARTER

CHAPTER XVIII

DEPARTMENT OF EDUCATION

- Title 1. The public schools and their management.
- Title 2. The college of The City of New York.
- Title 3. The normal college.
- Title 4. General provisions.

TITLE 1

THE PUBLIC SCHOOLS AND THEIR MANAGEMENT

BOARD OF EDUCATION; PROPERTY UNDER ITS CARE AND CONTROL; IN WHAT NAME SUITS BROUGHT

Section 1055. The title to all property, real and personal, now or that may hereafter be acquired for school or educational purposes, except the State Normal School at Jamaica, and also the title to all property, real and personal, purchased for school or educational purposes with any school moneys, whether derived from the issue of bonds or raised by taxation in The City of New York, shall be vested in The City of New York, as constituted by this act, but shall be under the care and control of the board of education as provided in this act, for the purposes of public education, recreation and other public uses. Suits in relation to such property shall be brought in the name of the said board of education. The said city of New York shall have power to take and hold any property, real or personal, devised or bequeathed or transmitted to it for the purposes of education in said city; but such property shall be under the care and control of the board of education as provided by this act, for the purposes of public education, recreation and other public uses in said city.

Note—Chapter 466 of the Laws of 1901 became a law April 22, 1901, with the approval of the Governor.

SCHOOL AGE OF CHILDREN

Section 1056. The schools of the said city under the management and control of the board of education shall be free to all persons over four and under twenty-one years of age residing in said city, but under such regulations not in conflict with the general school law of the State, as the board of education shall prescribe, provided, however, that no child under six years of age shall be received in said schools except in kindergarten classes.

BOARD OF EDUCATION; SUCCEEDS TO TRUSTS OF PUBLIC SCHOOL SOCIETY

Section 1057. All the trusts held by or vested in the public school society of The City of New York, as heretofore organized and existing in compliance with the provisions of an act entitled, "An act relative to common schools in the city of New York," passed the fourth day of June, one thousand eight hundred and fifty-three, which have not been conveyed by the said society, and all the rights, powers and duties of said society, which yet remained therein, shall continue and be vested in the board of education of The City of New York, which board is, and shall be held to be the lawful successors of said society in the execution of every trust.

**BOARD OF EDUCATION SUCCEEDS TO DUTIES AND POWERS OF FORMER BOARDS,
ETC.**

Section 1058. Subject to the provisions of this act, and so far as is consistent therewith, the board of education of The City of New York, as created by the terms and provisions of this act, shall be subject to all the duties, possess all the rights and exercise all the powers respectively held by the board of education, the school boards of the several boroughs and the inspectors of common schools on the day when this act takes effect, excepting such duties, rights and powers as shall devolve upon the local school boards as provided in this act. The powers, duties and functions of all the school boards in the several boroughs within The City of New York, as they have heretofore been constituted, shall cease and determine, and their offices shall be abolished, on the first Monday of February, nineteen hundred and two, and the board of education, as constituted by this act, shall thereupon succeed to such powers, and become subject to such functions and duties as provided by this act.

MONEY TO CONDUCT SCHOOLS TO BE RAISED BY TAXATION

Section 1059. The board of estimate and apportionment and the board of aldermen of The City of New York may raise and collect by tax, on the

estates, real and personal, liable to taxation in said city, such sum of money as may be necessary to provide for the conduct of the schools as called for by the budget adopted by the said board of estimate and apportionment and the said board of aldermen pursuant to the provisions of this act.

**SPECIAL AND GENERAL SCHOOL FUNDS; ALL MONEYS TO BE ADMINISTERED
BY BOARD OF EDUCATION**

Section 1060. All moneys raised for educational purposes in The City of New York shall be raised in two funds, to be known as the special school fund and the general school fund, respectively. The general school fund shall consist of all moneys raised for the payment of salaries of the city superintendent, associate city superintendents and district superintendents, members of the board of examiners, attendance officers, lecturers and all members of the supervising and teaching staff, throughout all boroughs, in conformity with section ten hundred and ninety-one of this act. The special school fund shall contain and embrace all moneys raised for educational purposes not comprised in the general school fund. It shall be the duty of the board of estimate and apportionment and of the board of aldermen to indicate in the budget in raising the special school fund the respective amounts thereof which shall be available for use in the several boroughs. The general school fund shall be raised in bulk, and for the city at large. The board of education shall have power to administer and shall administer all moneys appropriated or available for educational purposes in the city of New York.

**BOARD OF EDUCATION; HOW CONSTITUTED; PRESIDENT; VACANCIES; MEM-
BERS TO SERVE WITHOUT PAY**

Section 1061. There shall be in The City of New York as constituted by this act, a board of education, which shall have the management and control of the public schools and of the public school system of the city, subject only to the general statutes of the state relating to public schools and public school instruction, and to the provisions of this act. The board of education of The City of New York shall consist of forty-six members, twenty-two being residents of the borough of Manhattan; four of the borough of The Bronx; fourteen of the borough of Brooklyn; four of the borough of Queens, and two of the borough of Richmond. The members of the board of education shall be appointed by the mayor and hold office for the term of five years. On the first Monday of February, in the year nineteen hundred and two, and in every year thereafter, the said board of education shall organize by electing one of its members as president of the board, who shall preside at its meetings, and shall have the same power to vote thereat as any other member, but who shall not have the power of veto. Any vacancy in

the office of members of the board of education, caused by death, resignation, or otherwise, shall be filled by appointment by the mayor for the unexpired term, subject to the provisions as to the residence of such members hereinbefore set forth. On the third Monday of January, nineteen hundred and two, the mayor shall appoint members of the board of education to serve until the dates hereinafter specified, namely: In the borough of Manhattan, five members until January first, nineteen hundred and three; five members until January first, nineteen hundred and four; four members until January first, nineteen hundred and five; four members until January first, nineteen hundred and six; and four members until January first, nineteen hundred and seven. In the borough of Brooklyn, three members until January first, nineteen hundred and three; three members until January first, nineteen hundred and four; three members until January first, nineteen hundred and five; three members until January first, nineteen hundred and six; and two members until January first, nineteen hundred and seven. In the borough of The Bronx, one member until January first, nineteen hundred and three; one member until January first, nineteen hundred and five; one member until January first, nineteen hundred and six; and one member until January first, nineteen hundred and seven. In the borough of Queens, one member until January first, nineteen hundred and three; one member until January first, nineteen hundred and five; one member until January first, nineteen hundred and six; and one member until January first, nineteen hundred and seven. In the borough of Richmond, one member until January first, nineteen hundred and four; and one member until January first, nineteen hundred and seven. In the month of November prior to the expiration of the respective terms of office of the members of the board of education, appointed as aforesaid, the mayor shall appoint their successors to serve for the full term of five years from the first day of January following. The terms for which such appointments are made shall be designated in the certificates of appointment of such members. A change of residence by a member of the board of education from the borough from which he was appointed shall vacate his office. Members of the board of education shall serve without pay, and shall hold no office of emolument under the county, state or municipal government, except the offices of notary public or commissioner of deeds or offices in the national guard.

ID.; TO POSSESS POWERS AND PRIVILEGES OF A CORPORATION

Section 1062. For the purposes of this chapter, the board of education of The City of New York shall possess the powers and privileges of a corporation.

ID.; TO APPOINT AN EXECUTIVE COMMITTEE; POWERS OF COMMITTEE

Section 1063. It shall be the duty of the board of education in the month of February, nineteen hundred and two, and in each year thereafter in the month of July to appoint a standing committee of fifteen members of the board, who shall, subject to the approval of the board, constitute an executive committee for the care, government and management of the public school system of the city, subject to the by-laws of the board of education. At least one member of such committee shall be selected from each borough. The said board of education may by its by-laws confer upon said committee power to perform any of the administrative powers of the board. It shall be the duty of said executive committee to perform such duties as the board of education may by by-law prescribe. The board of education may, at any regular meeting thereof, by a majority of all the members of the board, remove any or all the members of the said committee, and appoint other members of the board to the vacancies thus created. Said executive committee shall meet at least once in each month. All reports of committees of the board appointed under its by-laws shall be presented to the executive committee for its consideration and action before being presented to the board, unless otherwise ordered by the board. The president of the board shall be ex officio the chairman of the executive committee.

ID.; TO BE REPRESENTATIVE OF SCHOOL SYSTEM; TO SUBMIT ESTIMATE FOR ENTIRE SCHOOL SYSTEM

*Section 1064. The board of education shall represent the schools and the school system of the city of New York before the board of estimate and apportionment, and before the board of aldermen, in all matters of appropriations in the budget of the city for educational purposes, and in all other matters, and shall in general, be the representative of the school system of the city in its entirety. On or before the fifteenth of September in each year it shall submit an estimate in detail of the moneys needed for the entire school system of the city, during the next succeeding calendar year, to the board of estimate and apportionment for its action. The board of estimate and apportionment shall appropriate for the general school fund for the year nineteen hundred and two and, annually, for each year thereafter, an amount equivalent to not less than three mills on every dollar of assessed valuation of the real and personal estate in the city of New York, liable to taxation. In case the amount so appropriated for the general school fund exceeds the expenditures and ascertained liabilities chargeable to such fund during any one year, the amount by which the said general school fund exceeds said ex-

*As amended by Chapter 43 of the Laws of 1903.

penditures and liabilities shall become part of the general school fund for the next succeeding year, and the amount to be raised by tax for said fund shall be diminished by the amount of said excess. The board of education shall administer all moneys appropriated or available for educational purposes in the city of New York, subject to the general provisions of this act relating to the audit and payment of salaries and other claims by the department of finance.

ID.; TO USE AND CONTROL CERTAIN PREMISES

Section 1065. The board of education shall have power to use and to control the premises known as the hall of the board of education, at the corner of Park avenue and Fifty-ninth street in the borough of Manhattan, and any other buildings to be occupied for like purposes in The City of New York, and to make all the repairs, alterations and additions in and to the said building or buildings which the board of education may authorize and deem advisable. It shall provide such offices and rooms, as it may deem advisable within the boroughs of The City of New York, for the administration of the powers and duties conferred by this chapter upon the board of education, the board of superintendents, and the city superintendent.

ID.; TO DISPOSE OF PERSONAL PROPERTY; DISPOSITION OF PROCEEDS; TO LEASE PROPERTY AND MAKE CONTRACTS

Section 1066. The board of education shall have power, in the name of The City of New York and for said city, to dispose of such personal property used in the schools or other buildings under the charge of said board as shall no longer be required for use therein, and all moneys realized by the sale thereof shall be paid into the city treasury and shall at once be appropriated by the board of estimate and apportionment, to the special school fund of the board of education for use in the borough in which the property sold was situated. Said board shall have power to lease property required for the purpose of furnishing school accommodations, and to prepare and execute leases therefor.

BOARD OF EDUCATION; TO APPOINT CERTAIN OFFICERS, CLERKS, ETC., AND FIX THEIR SALARIES

Section 1067. The said board of education shall have power to appoint a secretary of the board; a superintendent of school buildings, who shall be an architect of experience and good standing, and whose term of office shall be for six years; a superintendent of school supplies whose term of office shall be for six years; a city superintendent of schools for the term of six years; a super-

visor of lectures for the term of six years; and one or more auditors. The said board may appoint a chief clerk and such other officers, clerks, or subordinates as it may deem necessary for its administrative duties, and as are provided for by the proper appropriation. The city superintendent of schools, any associate city superintendent, any district superintendent, the supervisor of lectures, any member of the board of examiners, the secretary of the board of education, the superintendent of school buildings, the superintendent of school supplies, the auditor or auditors, and any other officers, clerks or subordinates of the board, may, any or either of them, be removed for cause at any time by a vote of three-fourths of all the members of the board of education, and may be suspended by the board of education pending the trial of charges. The said board shall fix and regulate within the proper appropriation the salaries or compensation of the city superintendent of schools, of the associate city superintendents and the district superintendents, and of members of the board of examiners.

1068. ID.; POWER TO ENACT BY-LAWS, RULES AND REGULATIONS

Section 1068. The board of education shall have power, subject to the provisions of law and of this act, to enact by-laws, rules and regulations for the proper execution of all duties devolved upon the board, its members and committees and upon the several local school boards; for the transaction of all business pertaining to the same; for defining the duties of the city superintendent of schools, the superintendent of school buildings, the superintendent of school supplies, of its auditor or auditors, its clerks and subordinates; for regulating the manner of making disbursements from any of the funds apportioned to any borough for school purposes, for the proper execution of all powers vested in it by law, and for the promotion of the welfare and best interests of the public schools and public school system of the city in the matters committed to its care. Until the board of education shall act under the provisions of this section the by-laws, rules and regulations of the board of education and of the several borough school boards in force on the first day of January, nineteen hundred and two, shall remain in full force and effect so far as they are not inconsistent with the provisions of this act and are applicable.

1069. BOARD OF EDUCATION SUCCEEDS TO SPECIFIC POWERS HERETOFORE EXERCISED BY BOROUGH BOARDS

Section 1069. The board of education shall, in addition to the other powers herein expressly conferred, have power:

1. To establish and conduct elementary schools, kindergartens, manual

training schools, trade schools, truant schools, evening schools and vacation schools.

2. To maintain free lectures and courses of instruction for the people of The City of New York.

3. To provide special classes, whose sessions shall be held at such times in the day or evening as said board may determine, for the purpose of giving instruction in the English language to persons who cannot use that language readily, and whose vocations are such as to prevent their attending the elementary or other schools in the school system.

4. To provide one or more high schools and training schools or classes for teachers, as it may from time to time determine, and as the appropriations may permit. The said training schools or classes shall be under the control of the board of education and of the city superintendent of schools to the extent that may be necessary to secure compliance with chapter one thousand and thirty-one of the laws of eighteen hundred and ninety-five.

5. To establish and conduct playgrounds in connection with the public schools.

6. To establish new schools and discontinue or consolidate any of the schools of the system.

ID.; SECRETARY; DUTIES; SECRETARY AND CHIEF CLERK MAY ADMINISTER OATHS

Section 1070. The secretary of the board of education shall have charge of the rooms, books, papers and documents of the board, and shall, in addition to his duties as secretary of the board, perform such other duties as may be required by its members or committees. The secretary and the chief clerk of said board are authorized to administer oaths and take affidavits in all matters appertaining to the schools in The City of New York, and for that purpose shall possess all the powers of a commissioner of deeds, but shall not be entitled to any of the fees or emoluments thereof.

ID.; PROVIDE FOR BRANCHES, ETC., IN BOROUGHs

Section 1071. The board of education shall make provision for the organization in the various boroughs of such branches as they may deem necessary in the bureaux of the superintendents of school buildings and of school supplies, and shall make such provisions by its by-laws as will secure prompt and efficient service for the selection and acquisition of sites, the planning and erection of new buildings for school purposes, and for the alteration and repair of existing buildings, and for the regulation of the purchase and distribution of school books and supplies, and for the execution and carry-

ing into effect of all matters and things, authority for which shall have been granted by the board, and for the preservation of all school records. Subject to such by-laws, the superintendent of school buildings shall be the executive officer of the board in respect to all matters relating to the bureau of buildings, or in respect to which he is charged with duties under the provisions of this act. He shall advertise for bids for the erection, alteration or repair of any building to be used for educational purposes in The City of New York which has been authorized by the board of education.

SUPERINTENDENT OF SCHOOL BUILDINGS; OATH AND SECURITY BY; SUBJECT TO REGULATIONS OF BOARD; VACANCY IN OFFICE

Section 1072. The superintendent of school buildings shall take and subscribe before the secretary or the chief clerk of the board of education, the oath prescribed by the constitution of this state, and give such security for the faithful performance of the duties of his office as the board of education may direct; and the bureau under his charge shall be subject to such rules and regulations as the board may establish, one of which shall prohibit the performance by him of any work, on any other account, similar to that performed under the regulations so established, except for the normal college of The City of New York, and like institutions in the department of education. Any vacancy in the said office of superintendent of school buildings shall be filled by appointment for the unexpired term.

ID.; DEPUTY IN EACH BOROUGH; PLANS FOR SCHOOL BUILDINGS

Section 1073. The superintendent of school buildings may appoint a deputy superintendent for each of the boroughs, who shall be an architect or engineer of good standing, and, with the authority of the board of education, he may empower a deputy superintendent in his place and stead to execute all the duties of superintendent and such other duties as the board of education may, by regulation, prescribe. All plans for new school buildings, for additions to school buildings, and for structural changes in old buildings, shall be passed upon, and must be approved by the superintendent of school buildings, who shall submit such plans to the board of education, whose action thereon shall be final.

ID.; APPOINTMENT OF JANITORS

Section 1074. Janitors shall be appointed by the board of education.

BOARD OF EDUCATION; PURCHASE OF, AND REGULATIONS REGARDING SUPPLIES

Section 1075. The board of education shall provide for the purchase of all books, apparatus, stationery and other things necessary and expedient to enable the schools of the city to be properly and successfully conducted. It shall cause to be furnished all necessary supplies, and shall make regulations for the furnishing thereof to the schools in the several boroughs. The board of education shall have power to enact by-laws and resolutions for the government of the superintendent of supplies, which by-laws and resolutions shall provide that all supplies, as far as possible, shall be obtained by contract, made at public letting in the manner provided by section four hundred and nineteen of this act.

SUPERINTENDENT OF SUPPLIES; OATH AND SECURITY BY; SUBJECT TO REGULATIONS OF BOARD; VACANCY; DEPUTY SUPERINTENDENTS AND SUBORDINATES; DEPOTS OF SUPPLIES

Section 1076. The superintendent of school supplies shall take and subscribe before the secretary or the clerk of the board of education the oath prescribed by the constitution of this state, and shall give such security for the faithful performance of the duties of his office as the board of education may direct; and the bureau under his charge shall be subject to such rules and regulations as the board may establish. Any vacancy in the said office of superintendent of school supplies shall be filled by appointment for the unexpired term. The superintendent of school supplies may appoint such deputy superintendents and such other subordinates as the by-laws of the board of education may authorize, and he may, with the authority of said board, empower a deputy superintendent in his place and stead to execute all the duties of the superintendent, and such other duties as the board of education may by regulation prescribe. He shall establish such depots of supplies in any of the boroughs as may be authorized by the board of education. The superintendent of school supplies shall be the executive officer of the board in respect of the purchase, storing and distribution of all supplies for the use of the schools, the board of education, the officers and employees thereof, the several local school boards and the office of the city superintendent; the printing for the board and any of its officers, employees or departments, and the local school boards; transportation of school children; and such other matters as may be assigned to him as such executive officer by the by-laws of the board. He shall advertise for bids for supplies and equipments, for the use of the schools, the board of education or any of the bureaux thereof and the several local school boards, which have been authorized by the board of education, and when such advertisement is required by law or the by-laws of the board.

CITY SUPERINTENDENT OF SCHOOLS; RIGHTS AND DUTIES

Section 1077. The city superintendent of schools shall have the right of visitation and inquiry in all of the schools of The City of New York as constituted under this act, and he shall report to the board of education on the educational system of the city, and upon the condition of any and all of the schools thereof. He shall have a seat in the board of education, and the right to speak on all matters before the board, but not to vote.

ID.; FURTHER DUTIES; ANNUAL REPORT; CLERKS OF MAIN OFFICE

Section 1078. The city superintendent of schools, so often as he can consistently with his other duties, shall visit the schools of the city as he shall see fit, and inquire into all matters relating to the government, courses of instruction, methods of teaching, management and discipline of such schools, and the condition of the schoolhouses and of the schools generally; and shall advise and encourage the pupils and teachers and officers thereof; subject to the by-laws of the board of education, he shall prescribe suitable registers, blanks, forms and regulations for the making of all reports, and for conducting all necessary business connected with the school system and he shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the schools, and the due execution of their duties by school officers, to be transmitted to the officers or persons entrusted with the execution of the same. He shall submit to the board of education an annual report containing a statement of the condition of the schools of the city, and all such matters relating to his office, and such plans and suggestions for the improvement of the schools and the school system, and for the advancement of public instruction in The City of New York as he shall deem expedient, and as the by-laws of the board of education may direct. He shall enforce the compulsory education law, and shall nominate attendance officers to the board of education and shall direct such officers in their duties. He may appoint such clerks as he may deem necessary, and as are authorized by the board of education. He shall assign his clerks to their various duties, and may suspend or discharge them for cause, but in such case, the clerks shall have a right to appeal to the board of education. He shall report as often as the board of education shall direct upon any matter or matters, entrusted to his charge, in such detail as shall be required of him. He shall maintain his main office in the borough of Manhattan, and in such building as the board of education shall direct. He shall have power, at any time, to call together any or all of the associate city superintendents and district superintendents for consultation, and shall assign to them, subject to the by-laws of the board of education, such duties as in his judgment will be conducive to the welfare of the public

schools of The City of New York. Twenty-three of the district superintendents shall be assigned by the city superintendent to the work of supervision in the local school board districts, to be constituted as hereinafter provided, in such manner that one district superintendent shall be assigned to such duty in two of such districts for the period of one school year. At the end of such period the city superintendent shall have power to change such assignments as he may deem best for the interests of the school system, but only in the manner above provided. District superintendents when not so assigned to such duty in said districts shall be assigned by the city superintendent to such other professional duties as the welfare of the school system may require. It shall further be the duty of the city superintendent to report any case of gross misconduct, insubordination, neglect of duty, or general inefficiency on the part of any associate city superintendent or district superintendent to the board of education. The city superintendent may empower an associate city superintendent to execute all the duties of the city superintendent during his absence or disability.

CITY SUPERINTENDENT, ASSOCIATE CITY SUPERINTENDENTS, BOARD OF SUPERINTENDENTS, DISTRICT SUPERINTENDENTS AND DIRECTORS

Section 1079. There shall be eight associate city superintendents, who, with the city superintendent, shall constitute the board of superintendents. They shall be appointed by the board of education by a vote of a majority of its members, and shall serve for the term of six years, provided, however, that the borough superintendents in office on the first day of January, nineteen hundred and two, shall serve out as associate city superintendents the terms for which they were appointed by the respective borough school boards heretofore existing, and upon the expiration of their respective terms of office their successors shall be appointed in the manner and for the term herein provided, and provided also that the other four associate city superintendents shall be appointed from the associate borough superintendents in office on the first day of January, nineteen hundred and two, and when so appointed they shall serve out as associate city superintendents the terms for which they were respectively appointed as such associate borough superintendents. The city superintendent shall preside over the board of superintendents, and all communications from the board shall be made in his name unless in any special case he may otherwise elect. The board of education shall have power to pass by-laws regulating the duties of the city superintendent and of the board of superintendents. There shall be twenty-six district superintendents to be appointed by the board of education for the term of six years upon the nomination of the board of superintendents, provided, however, that the associate borough superintendents in office on the first day of January, nineteen hundred and two, shall serve out as associate city superintendents or as

district superintendents the terms for which they were appointed as such associate borough superintendents by the respective borough school boards heretofore existing; and upon the expiration of their respective terms of office their successors shall be appointed in the manner and for the term above provided. The offices of borough superintendent of schools and associate borough superintendent of schools shall be abolished on the first Monday of February, nineteen hundred and two. Except as herein otherwise provided, no person shall be eligible for election as city superintendent, associate city superintendent, or district superintendent who has not one of the following qualifications: (a) Graduation from a college or university recognized by the University of the State of New York, together with at least five years of successful experience in teaching or supervision since graduation; (b) A principal's certificate for any of the boroughs of The City of New York obtained as a result of examination, together with ten years' successful experience in supervision or teaching. Resignations of the city superintendent and the associate city superintendents shall be made to the board of education. Resignations of the district superintendents and directors of special branches shall be made to the board of superintendents and shall be reported immediately to the board of education. The board of education shall have power, upon the nomination of the board of superintendents, to appoint such directors of special branches as it deems necessary, for the term of six years; such directors shall be subject to the supervision and direction of the city superintendent. No person shall be eligible for election as director of a special branch, such as music, drawing, kindergarten, etc., who is not: (a) A graduate of a college or university recognized by the University of the State of New York; and (b) a graduate from a course of professional training of at least two years in the special branch that he is to supervise or teach; and (c) a teacher of that special branch with at least three years of successful experience. Nothing in this act contained shall prevent the re-election of any superintendent in office at the time of the passage of this act.

GENERAL DUTIES OF DISTRICT SUPERINTENDENTS

Section 1080. Under the supervision and direction of the city superintendent, district superintendents shall visit every school in the district to which they are assigned; shall inquire into all matters relating to the government, courses of study, methods of teaching, discipline and conduct of such schools, and the condition of the schoolhouses and of the schools generally; shall examine classes when necessary; and shall advise, assist and encourage the pupils and teachers thereof. The district superintendents shall report the results of such inspections and examinations to the city superintendent, who shall transmit such parts of said reports as he may consider necessary

or proper to the board of education and to the local school boards for the districts for which the same are made respectively. Such reports shall be made at such times, concerning such matters, and in such form as said city superintendent shall require. It shall further be the duty of each district superintendent to report to the local school board within any district to which he is assigned, and through the city superintendent to the board of education, any case of gross misconduct, neglect of duty, or general inefficiency arising in such district on the part of any principal or teacher or other member of the educational staff within his jurisdiction.

**BOARD OF SUPERINTENDENTS; LIST OF PRINCIPALS, ETC., TO BE KEPT BY;
WHERE PRINCIPALS REPORT**

Section 1081. The board of superintendents shall keep a list of all principals and teachers in the service of the board of education in the several boroughs, with a record of the dates of their appointment, the grades and classes taught by them, and of such other matters as the board of superintendents may prescribe. Such lists shall be open to the inspection of teachers (as to their own records only), of members of the board of education, of the members of the local school boards, of district superintendents, and of principals. Principals shall report to the city superintendent or to the district superintendent within their district at such times, upon such matters, and in such form as the city superintendent or such district superintendent may require.

PROMOTION OR TRANSFER OF PUPILS; RULES AND REGULATIONS

Section 1082. The board of superintendents shall establish for the schools, subject to the approval of the board of education, rules and regulations for the reception of pupils in the schools of the city, the promotion of pupils from grade to grade, from school to school, for the graduation from all grades of schools, and for the transfer of pupils from one school to another.

**RECOMMENDATIONS OF AND REQUISITIONS FOR TEXT BOOKS AND SCHOLASTIC
SUPPLIES**

Section 1083. The board of education shall, upon the recommendation of the board of superintendents, approve text books, apparatus and other scholastic supplies for use in the public schools of the city. Requisitions for such text books, apparatus and scholastic supplies shall be made by principals upon the superintendent of supplies under rules to be established by the board of education, but no requisition for any school shall be honored unless it is approved in writing by the district superintendent of the district where such school is situated.

CHANGING GRADES OF SCHOOLS AND CLASSES; COURSES OF STUDY

Section 1084. The board of education shall have power to change the grades of all schools and of all classes of any high school or other school under its charge upon the written recommendation of the board of superintendents, and upon the same recommendation to adopt and modify courses of study for all schools under its supervision.

DUTIES OF THE BOARD OF SUPERINTENDENTS, CITY SUPERINTENDENT, DISTRICT SUPERINTENDENTS AND SUPERVISORS WITH REFERENCE TO SPECIAL BRANCHES

Section 1085. The board of superintendents, with the advice of the directors of the respective special branches, shall assign to the several school districts such teachers of drawing, music, physical culture, manual training, cooking, sewing or other special branches as the board of education may appoint. The district superintendents shall assign such teachers of special branches to their duties in the schools of the several districts to which they are appointed. The directors of special branches shall act as advisors to the board of superintendents, to the district superintendents, and to principals, with regard to the special branches they supervise; under the direction of the city superintendent they shall examine the work in their several branches, report upon the same, and instruct special teachers and class teachers in the teaching of their several branches.

METHODS OF TEACHING. SYLLABUSES OF TOPICS

Section 1086. Subject to regulations prescribed by the board of superintendents, and under the supervision of the district superintendent in charge, the principal of each school shall direct the methods of teaching in all classes under his charge. The board of superintendents shall have the power, from time to time, to issue syllabuses of the topics in the various branches taught, which shall be regarded as the minimum amount of work required in such branches.

POWER TO CREATE LOCAL SCHOOL BOARD DISTRICTS; PRESIDENTS OF THE BOROUGHS TO APPOINT MEMBERS OF THE LOCAL SCHOOL BOARDS; TERMS, ORGANIZATION, ETC., OF LOCAL SCHOOL BOARDS

Section 1087. Prior to the fifteenth day of February, nineteen hundred and two, the board of education shall divide the boroughs under its charge into forty-six local school board districts, of which twenty-two shall be wholly in the borough of Manhattan, fourteen wholly in the borough of Brooklyn, four wholly in the borough of The Bronx, four wholly in the borough of Queens,

or proper to the board of education and to the local school boards for the districts for which the same are made respectively. Such reports shall be made at such times, concerning such matters, and in such form as said city superintendent shall require. It shall further be the duty of each district superintendent to report to the local school board within any district to which he is assigned, and through the city superintendent to the board of education, any case of gross misconduct, neglect of duty, or general inefficiency arising in such district on the part of any principal or teacher or other member of the educational staff within his jurisdiction.

**BOARD OF SUPERINTENDENTS; LIST OF PRINCIPALS, ETC., TO BE KEPT BY;
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Section 1085. The board of superintendents, with the advice of the directors of the respective special branches, shall assign to the several school districts such teachers of drawing, music, physical culture, manual training, cooking, sewing or other special branches as the board of education may appoint. The district superintendents shall assign such teachers of special branches to their duties in the schools of the several districts to which they are appointed. The directors of special branches shall act as advisors to the board of superintendents, to the district superintendents, and to principals, with regard to the special branches they supervise; under the direction of the city superintendent they shall examine the work in their several branches, report upon the same, and instruct special teachers and class teachers in the teaching of their several branches.

METHODS OF TEACHING. SYLLABUSES OF TOPICS

Section 1086. Subject to regulations prescribed by the board of superintendents, and under the supervision of the district superintendent in charge, the principal of each school shall direct the methods of teaching in all classes under his charge. The board of superintendents shall have the power, from time to time, to issue syllabuses of the topics in the various branches taught, which shall be regarded as the minimum amount of work required in such branches.

POWER TO CREATE LOCAL SCHOOL BOARD DISTRICTS; PRESIDENTS OF THE BOROUGHS TO APPOINT MEMBERS OF THE LOCAL SCHOOL BOARDS; TERMS, ORGANIZATION, ETC., OF LOCAL SCHOOL BOARDS

Section 1087. Prior to the fifteenth day of February, nineteen hundred and two, the board of education shall divide the boroughs under its charge into forty-six local school board districts, of which twenty-two shall be wholly in the borough of Manhattan, fourteen wholly in the borough of Brooklyn, four wholly in the borough of The Bronx, four wholly in the borough of Queens,

and two wholly in the borough of Richmond. The districts in each borough must be compact in form, and, as near as may be, of equal school attendance in the public schools therein. Subject to such conditions of equality of school attendance and that the districts shall be compact in form, the board of education shall thereafter have power every five years, again to divide the said boroughs into said number of districts, making such changes in existing districts as it deems proper. Upon the division of the several boroughs into such districts, and upon any redivision thereof as above provided, the board of education shall file maps of the same, duly authenticated by the secretary of the board, in the office of the mayor of The City of New York, and at the same time shall also file in the office of the president of each borough a duplicate, similarly authenticated, of the portion of said maps showing the division or redivision of such borough into such districts. There shall be in each of said districts a local school board consisting of seven members, as follows: Five persons to be appointed by the president of the borough, a member of the board of education designated by the president of that board, as hereinafter provided, and the district superintendent assigned to duty in such district by the city superintendent, as hereinbefore provided. When the board of education, pursuant to the powers above conferred, shall have divided any borough or boroughs into local school board districts, the presidents of the boroughs in which such districts are located respectively shall, within thirty days thereafter, appoint in and for each of such districts five members of the local school board to hold office respectively as may be designated in their letters of appointment, for one, two, three, four and five years from the first day of January next following the date of their appointments. Upon the expiration of their respective terms, such presidents shall appoint their successors for the full term of five years. Where boundaries of any of the local school board districts shall be changed by a redivision of a borough or any part thereof, the board of education shall have power, and it shall be its duty, to designate the new districts within which the local school boards appointed for districts affected by such redivision shall thereafter act. Such designation shall be made in such manner that the new district within which any local school board shall thereafter act shall contain a portion of the district for which such board was originally appointed. Within such new districts respectively the said local school boards shall have the same powers, duties and functions theretofore exercised by them within the districts for which they were originally appointed; and they shall serve out as members of the local school board for such new districts the term of office for which they were appointed respectively. All members of local school boards shall serve without pay, and shall be residents of the districts in and for which they are appointed, except that where local school boards are designated by the board of education to act in new districts created as aforesaid, it shall not be necessary for the members thereof to be

residents of such districts during the remainder of their terms of office respectively. Any vacancy in any local school board caused by death, resignation or otherwise, shall be filled for the unexpired term by the president of the borough where such vacancy may occur. Each local school board shall, within ten days after all the members thereof shall have been appointed, in the year nineteen hundred and two, and on the second Monday of January in every year thereafter, organize by the election of two of its members as chairman and secretary. It shall meet as often as may be necessary for the efficient performance of the duties imposed upon it, and not less than once in each month excepting July and August. The president of the board of education shall designate each member of the said board to be an ex-officio member of one local school board within the borough where such member shall reside, and he shall serve as a member of such local school board for the term of one year or until the earlier expiration of his term of office as a member of the board of education. When a member of the board of education shall cease for any cause to be a member of the local school board to which he is designated, the president of the board of education shall designate his successor as above provided. A member of the board of education sitting as a member of a local school board shall have power to vote, but shall not be eligible for election as the chairman or secretary of such board. The district superintendent assigned to any local school board district as herein provided shall have a seat in the local school board district* for such district, and the right to speak on all matters before the board. But he shall not have the right to vote or be eligible for election as chairman or secretary of the board. The powers, duties and functions of the inspectors of common schools in office on the thirty-first day of December, nineteen hundred and one, shall continue until the fifteenth day of February, nineteen hundred and two, or until the earlier division of the said boroughs into local school board districts as above provided, when they shall cease and determine and the offices of said inspectors shall thereupon be abolished.

DUTIES OF LOCAL SCHOOL BOARDS

Section 1088. Subject to regulation by the by-laws of the board of education, the duties and powers of the local school boards shall be as follows: (a) In their respective districts, they shall visit, at least once in every quarter, all the schools in the district, and inspect the same, in respect to punctual and regular attendance of the pupils and teachers, the number and fidelity of the teachers, the studies, progress, order and discipline of the pupils, the cleanliness, safety, warming, ventilation and comfort of school premises, and the observance of the provisions of the school laws in respect to the teaching of sectarian doctrines or the use of sectarian books; and shall call the attention of the board of education, without delay, to every matter requiring official action. They

*So in original.

shall also, on or before the first day of January and June of each year, make a written report to the board of education in respect to the condition of the schools, the efficiency of teachers, and wants of the district, especially in regard to schools and school premises. (b) They shall report immediately to the board of education whenever additional accommodation is necessary for kindergarten or elementary school purposes, with a recommendation of the sites within their respective districts which they consider it necessary to acquire for such purposes. They shall also recommend the erection of such buildings on said sites or on any other property owned by The City of New York, and such repairs or alterations of school buildings, as they deem necessary or desirable. They shall from time to time when additional school accommodation is necessary report to the board of education premises which are suitable and may be hired for that purpose, with the terms upon which the same may be obtained; such report shall be accompanied by a certificate from the borough president that the premises so recommended comply with the law and ordinances in relation to buildings to be used for school purposes. (c) They shall report immediately to the board of education any dereliction of duty on the part of the superintendent of supplies, superintendent of school buildings, the city superintendent, or any of their deputies or assistants or the employes in their respective departments, and they shall present to the board of education all of the facts and circumstances constituting such dereliction of duty. (d) They shall have power to excuse absences of teachers, within their respective districts, subject, however, to the approval of the board of superintendents in cases where teachers are excused with pay, and in accordance with by-laws of the board of education prescribing rules to govern all such cases. (e) They shall try and determine all matters relating to discipline, corporal punishment and other matters affecting the administration of the schools in their respective districts arising upon the complaint of pupils, parents or guardians against teachers or principals, and shall impose such penalties as may be prescribed by the by-laws of the board of education. But they shall not have power to pass upon any such complaint against a teacher until after the matter has been referred to the principal of the school in which such teacher is employed, and he has made a report thereon. (f) They shall have power, and it shall be their duty, to try charges made by a principal, a district superintendent or by any parent or guardian of a pupil, residing in the district, against a teacher employed within their respective districts, for gross misconduct, insubordination, neglect of duty or inefficiency. On receiving notice of said charges they shall immediately proceed to try and determine the case and shall fix the penalty or punishment to be imposed for the offense committed, which shall consist of a fine, suspension for a fixed time without pay, or dismissal. Their determination upon such charges and the penalty or punishment imposed therefor shall be reported

immediately to the board of education, which may reject, confirm or modify the determinations of the local board, and the penalty or punishment imposed and the decision of the board shall be final except as to matters in relation to which, under the general school laws of the state, an appeal may be taken to the state superintendent of public instruction. (g) They shall present charges of any dereliction of duty on the part of janitors in their respective districts and present proof thereof to the board of education. (h) They shall procure the enforcement of the law and the by-laws of the board of education relating to the sanitary condition of the schools and the health of the pupils in their respective districts. (i) They shall have power to transfer teachers from school to school within their respective districts, but only after hearing the principals of the schools affected by such transfers, and subject to the approval of the board of superintendents, provided, however, that such transfer shall not involve promotion or increase of salary. (j) They shall report to the board of education and to the board of superintendents all vacancies in the teaching force as soon as such vacancies shall occur. (k) Each local school board shall have power and it shall be its duty to adopt by-laws regulating the exercise of all powers and duties vested in it, which by-laws shall not conflict with the by-laws of the board of education or with the provisions of this chapter. Each local school board shall keep a record of the proceedings of the meetings of the board, which shall be open at all times to inspection by the board of education or any member thereof. The board of education shall from time to time provide for such expenses and furnish such clerical assistance as may be necessary for the proper performance by the local school boards of the city of the duties imposed upon them by this act. The secretary of a local school board shall have charge of the books, papers and documents of the board. He is hereby authorized to administer oaths and take affidavits in all matters pertaining to the schools of The City of New York in his district, in which a local school board has power to act, and for that purpose shall possess all the powers of a commissioner of deeds, but shall not be entitled to any fees or emoluments thereof. The board of education shall provide meeting places for the local school boards, which may be in any of the school buildings in their respective districts.

BOARD OF EXAMINERS; TEACHERS' LICENSES, ETC.

*Section 1089. A board of examiners is hereby constituted whose duty it shall be to examine all applicants who are required to be licensed in and for The City of New York, and to issue to those who pass the required tests of character, scholarship and general fitness, such licenses as they are found entitled to receive. Such board of examiners shall consist of the city super-

*As amended by Chapter 718 of the Laws of 1901.

intendent of schools, together with four persons appointed by the board of education upon the nomination of the city superintendent. The terms of the first four examiners so appointed shall be one, two, three and four years, respectively, and as their terms respectively expire, their successors shall be appointed for a full term of six years, which shall thereafter be the full and regular term of office of said examiners. They shall be paid such compensation as the board of education shall prescribe. The city superintendent of schools shall have power with the consent of the board of education to employ assistants temporarily at rates to be fixed by the board of education. To be eligible to appointment as an examiner, an applicant must possess some one of the following qualifications, to wit: (a) A degree or diploma of graduation from a college or university recognized by the regents of the university of the state of New York, together with at least five years' successful experience in teaching since graduation. (b) A state certificate obtained as the result of an examination held since eighteen hundred and seventy-five, together with at least ten years' successful experience in teaching. (c) The highest certificate for a principal or superintendent in force when this act takes effect in any city included in The City of New York as constituted by this act, together with at least ten years' successful experience in teaching. No associate city superintendent, district superintendent, principal or teacher in The City of New York shall be allowed to serve on the board of examiners. The board of education on the recommendation of the board of superintendents shall designate, subject to the requirements of the state school laws in force when this act takes effect or that may thereafter be enacted, the kinds or grades of licenses to teach which may or shall be used in The City of New York together with the academic and professional qualifications required for each kind or grade of license. The board of education, on the recommendation of the board of superintendents, shall also designate, subject to the like limitations, the academical and professional qualifications required for service of principals, branch principals, supervisors, heads of departments, assistants and all other members of the teaching staff. The board of examiners shall hold such examinations as the city superintendent may prescribe and shall prepare all necessary eligible lists, which shall be kept in the office of the city superintendent of schools, and be open to inspection by members of the board of education, associate city superintendents and district superintendents, and local school boards. All licenses shall be issued in the name of the city superintendent of schools. Graduates of colleges and universities recognized by the regents of the university of the state of New York, who have pursued for not less than one year pedagogical courses satisfactory to the city superintendent; graduates of schools and colleges for the training of teachers, approved by the state superintendent of public instruction; and teachers holding a state certificate issued by the state superintendent of public instruction

since the year eighteen hundred and seventy-five, or holding a college graduate's certificate issued by the same authority, or persons who on the first Monday of February, nineteen hundred and two, shall be associate borough superintendents of schools in any borough of The City of New York, may be exempted, in whole or in part, from such examination at the discretion of the city superintendent. The names of those to whom licenses have been granted, including those exempted from examination and those duly licensed in the several boroughs prior to the date on which this act takes effect, shall be entered by the city superintendent upon lists to be filed in his office, a separate list being made for each grade or kind of license for which the board of education shall by its by-laws make provision; and such lists shall always be open to the inspection of the members of the board of education, the members of the local school boards, the associate city superintendents, the district superintendents, and the principals of schools. Except as city superintendent or associate city superintendent or district superintendent, as director of a special branch, as principal of or teacher in a training school or as principal of a high school, no person shall be appointed to any educational position whose name does not appear upon the proper eligible list. No person shall teach in any public school in the city who has not such license, except as herein otherwise provided, nor shall any unlicensed teacher have any claim for salary. Licenses to teach shall be issued by the city superintendent of schools for a period of one year, which may be renewed without examination in case the work of the holder is satisfactory to the city superintendent for two successive years. At the close of the third year of continuous, successful service, the city superintendent may make the license permanent. Authority to revoke any permanent license for cause shall be vested in the state superintendent of public instruction.

APPOINTMENT AND RESIGNATION OF PRINCIPALS AND TEACHERS

Section 1090. Principals, branch principals, heads of departments, teachers, assistants and all other members of the teaching staff, shall be appointed by the board of education on the nomination of the board of superintendents. Such nominations and appointments shall be made except in the case of high schools or training schools for teachers, for the several local school board districts respectively, and when so made the principals, branch principals, heads of departments, teachers, assistants and all other members of the teaching staff shall be assigned to duty to such schools, and to such positions in such schools, as the board of superintendents shall determine. Where practicable, teachers shall be appointed for districts in the boroughs where they reside. Teachers and principals may be promoted or transferred from one school to any other school within the city by the board of superintendents subject to

the approval of the board of education; provided, however, that a teacher shall not be transferred from a school in one borough to a school in another borough without his or her consent. For all purposes affecting the appointment, promotion or transfer of the teachers in any school, the district superintendent assigned to the district in which such school is situated, the principal of such school and, in the case of transfer, the district superintendent and the principal of the school to which it is proposed to transfer a teacher, shall have seats in the board of superintendents, with votes on such propositions. The provisions of this section shall not be held to affect or impair the power of the several local school boards to transfer teachers from school to school within their respective districts, as hereinbefore provided. The nominations provided for above must be made from the list of properly certificated principals and teachers and other persons eligible for service in the positions to be filled, in the regular order of the standing of the candidates on said lists, provided, however, that the board of superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible lists. Existing eligible lists in The City of New York and the relative standing of persons whose names are on said lists shall not be affected by the passage of this act. The time within which said board of education shall finally act upon said nominations, either by appointing such principal or teacher or other officer or by rejecting such nominations, is hereby fixed at forty days from the filing of such recommendation in the office of the secretary of the board. The failure on the part of the board of education to confirm or to reject a nomination within the time prescribed herein shall be held as equivalent to the appointment of the principal or teacher nominated. In case of a failure or of repeated failures to appoint, other names shall be submitted to the board of education for its consideration within two weeks after each failure, until an appointment is made. In case of the consolidation of schools or of the discontinuance of any school, principals and teachers of good standing, who thereby may be deprived of employment, shall be preferred in appointments to be made in any of the schools of the city. Resignations of principals and teachers, and of all other members of the teaching staff, shall be made to the city superintendent.

BOARD OF EDUCATION; POWER TO FIX SALARIES; METHOD, REGULATING

Section 1091. The board of education shall have power to adopt by-laws fixing the salaries of all members of the supervising and the teaching staff; and the salaries of all principals and teachers shall be regulated by merit, grade of class taught, length of service, experience in teaching, or by a combination of these considerations. Such by-laws shall establish a uniform schedule of salaries for the supervising and the teaching staff throughout all boroughs which schedule shall provide for an equal annual increment of salary

of such an amount, that no kindergartner, or female teacher of girls' class other than those teaching grades of the last two years in the elementary schools shall, after sixteen years of service in said schools, receive less than twelve hundred and forty dollars per annum; and no female teacher of a girls' class of the grades of the last two years in said schools shall, after fifteen years of service in said schools, receive less than thirteen hundred and twenty dollars per annum; and no female teacher of a girls' graduating class, female first assistant, or female vice-principal, shall after ten years of service in said schools, receive less than fourteen hundred and forty dollars per annum; and no female teacher of a boys' or a mixed class shall receive less than sixty dollars per annum more than a female teacher of a girls' class of a corresponding grade and of years of service; and no female teacher in said elementary schools shall receive less than six hundred dollars per annum, nor shall the annual increment for any female teacher therein be less than forty dollars; and no male teacher of a class of the grades of the last two years in said schools, shall, after twelve years of service in said schools, receive less than twenty-one hundred and sixty dollars per annum; and no male teacher of a graduating class, male first assistant, or male vice-principal shall, after ten years of service in said schools receive less than twenty-four hundred dollars per annum; and no male teacher in said elementary schools shall receive less than nine hundred dollars per annum, nor shall the annual increment for any male teacher therein be less than one hundred and five dollars; that no female head of department, or female assistant to the principal in said schools shall receive less than sixteen hundred dollars per annum after ten years service; and no male head of department or male assistant to the principal in said schools shall receive less than twenty-four hundred dollars per annum after ten years of service; that in high schools and training schools for teachers, no female junior or substitute teacher, female laboratory or library assistant, or female clerk, shall receive less than seven hundred dollars per annum, nor after six years of service as such, less than one thousand dollars per annum; no female model teacher shall receive less than one thousand dollars per annum, nor after five years of service as such, less than fifteen hundred dollars per annum; no female regular teacher in said schools shall receive less than eleven hundred dollars per annum, nor after ten years of service as such, less than nineteen hundred dollars per annum; no female head teacher, female assistant to the principal, female first assistant, or female vice-principal in said schools shall receive less than two thousand dollars per annum, nor after five years of service as such, less than twenty-five hundred dollars per annum; no male junior or substitute teacher, male laboratory or library assistant, or male clerk, shall receive less than nine hundred dollars per annum, nor after six years of service as such, less than twelve hundred dollars per annum; no male regular teacher in said schools shall receive less than thirteen hundred

dollars per annum, nor after ten years of service as such, less than twenty-four hundred dollars per annum; no male head teacher, male assistant to the principal, male first assistant, or male vice-principal in said schools, shall receive less than twenty-five hundred dollars per annum, nor after five years of service as such, less than three thousand dollars per annum; nor shall any of said persons therein receive a salary less than that to which by reason of experience such person would be entitled as a teacher of the aforesaid elementary schools; provided, however, that none of the aforesaid members of the supervising and the teaching staff of any of the elementary schools shall receive a salary greater than that fixed for the seventh year of service unless and until the service of any such member shall have been approved after inspection and investigation as fit and meritorious by a majority of the board of superintendents; that none of the aforesaid members of the supervising and the teaching staff of any of the elementary schools shall receive a salary greater than that fixed for the twelfth year of service, unless and until the service of any such member shall have been approved after inspection and investigation as fit and meritorious by a majority of the board of superintendents; that none of the aforesaid members of the supervising and the teaching staff of any of the high or training schools shall receive a salary greater than that fixed for the fourth year of service unless and until the service of any such member shall have been approved after inspection and investigation as fit and meritorious by a majority of the board of superintendents and that none of the aforesaid members of the supervising and the teaching staff of any of the high or training schools shall receive a salary greater than that fixed for the ninth year of service unless and until the service of any such member shall have been approved after inspection and investigation as fit and meritorious by a majority of the board of superintendents; and the board of superintendents shall approve or disapprove the service of the aforesaid members of the supervising and the teaching staff within forty days before the date on which said members shall, respectively, become eligible to the increase of salaries conditioned upon the approval of said service. For the purposes affecting such increases of salaries of said persons in any schools, the district superintendent assigned to the district in which such school is situated shall have a seat in the board of superintendents, with a vote on such fitness and merit; that no female branch principal or female principal of an elementary school having not less than twelve classes shall receive less than twenty-five hundred dollars per annum after ten years of service as such in said schools; and no male branch principal or male principal of an elementary or a high school having not less than twelve classes shall receive less than thirty-five hundred dollars per annum after ten years of service as such in said schools; and a principal of said schools shall receive an equal annual increment of two hundred and fifty dollars; provided, how-

ever, that the service of such principal or branch principal shall have been approved after inspection and investigation as fit and meritorious by a majority of the board of superintendents; and no principal of a high school or training school for teachers having supervision of not less than twenty-five teachers therein shall receive less than five thousand dollars per annum. The board of examiners shall issue to a principal or a teacher who has had experience in schools other than the schools of The City of New York, a certificate stating that the experience of such teacher is equivalent to a certain number of years of experience in the schools of the said city. The board of examiners shall issue to a principal or teacher who has had experience in schools other than the high and training schools of The City of New York, a certificate stating that the experience of such teacher is equivalent to a certain number of years of experience in the high and training schools of the said city. Such certificates made by the board of examiners shall be final and conclusive on all matters pertaining to experience therein stated, and shall entitle their holders to salaries in accordance with the schedules of salaries established in conformity with this section, in like manner as though the years mentioned in such certificates had been served in those schools of The City of New York that are respectively mentioned in such certificates. No salary now paid to any member of the supervising and the teaching staff of any of the public schools in The City of New York shall be reduced by the operation of this section, and the aforesaid equal annual increment for each class or grade of the supervising and the teaching staff of said public schools shall be uniform throughout each class or grade, and each of said persons shall at once receive all the emolument in accordance with the above schedule of minimum salaries to which said person is entitled by reason of merit, of experience and of grade of class taught.

PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

* Section 1092. The board of education is hereby given the general care and management of the public school teachers' retirement fund created for the former city of New York by chapter two hundred and ninety-six of the laws of eighteen hundred and ninety-four, and of the public school teachers' retirement fund created for the former city of Brooklyn by chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-five, and said funds are hereby made parts of the retirement fund of the board of education of the city of New York created by this act. The comptroller of the city of New York shall hold and invest all money belonging to said fund, and by the direction of said board of education shall pay out the same. The board of

* As amended by Chapter 530 of the Laws of 1902 and Chapter 177 of the Laws of 1903.

education shall have charge of and administer said retirement fund as it shall deem most beneficial to said fund, and shall make payments from such fund of annuities granted in pursuance of this act. Said board shall, from time to time, establish such rules and regulations for the administration of said fund as it may deem best, which rules and regulations shall preserve all rights inhering in the teachers of the city of New York and the city of Brooklyn as constituted prior to the passage of this act. And the comptroller of the city of New York shall report in detail to the board of education of the city of New York, annually, in the month of January, the condition of said fund and the items of the receipts and disbursements on account of the same. The said retirement fund shall consist of the following, with the interest and income thereof: (1) All money, pay, compensation or salary or any income thereof forfeited, deducted, reserved or withheld from any teacher or teachers in the public schools of the city of New York and in schools or classes maintained in institutions controlled by the department of public charities or the department of correction for any cause in pursuance of rules established or to be established by the board of education or by the commissioner of public charities or the commissioner of correction for schools or classes maintained by such commissioners respectively. The secretary of the board of education, the commissioner of public charities and the commissioner of correction shall certify monthly to the comptroller the amounts so forfeited, deducted, reserved or withheld from the salaries of teachers during the preceding month. (2) All moneys received from donations, legacies, gifts, bequests, or otherwise for and on account of said fund. (3) Five per centum annually of all excise moneys or license fees belonging to the city of New York, and derived or received by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer in the city of New York, under the provisions of any law of this state authorizing the granting of such license or permission. The comptroller of the city of New York shall hold such moneys together with any other moneys belonging to said fund and by direction of the said board of education shall have charge of and administer the same as hereinbefore in this section provided. (4) All such other methods of increment as may be duly and legally devised for the increase of said fund. On and after the passage of this act, the board of education shall, by amending its by-laws relating to the excuse of absence of teachers with pay, so provide that the aggregate of the several sums deducted or forfeited on account of absence from duty shall be fully adequate to meet the demands made upon the public school teachers' retirement fund for the payment of annuities as herein provided. On the recommendation of the city superintendent said board of education shall have power, by a two-thirds vote of all its members to retire any member of the teaching or supervising staff, including the members of the board of examiners, who is mentally or

physically incapacitated for the performance of duty and has been engaged in the work of teaching or school supervision for a period aggregating thirty years, twenty of which shall have been in the public schools of the city of New York. And the board of education may retire from active service any member of the said teaching or supervising staff who shall have attained the age of sixty-five years and shall have been engaged in the work of teaching or school supervision for a period aggregating thirty years, twenty of which shall have been in the public schools of the city of New York. The said board of education shall also have power by a two-thirds vote of all its members, and after a recommendation to that effect shall have been made by the board of trustees of the normal college stating that the member of the supervising or teaching force is mentally or physically incapacitated for the performance of duty, to retire any member of the teaching or supervising force of the normal college or of the training department of the normal college who shall have been engaged in said normal college or training department for ten years and shall have been engaged in some university, college, academy or school or in the public schools in this state or elsewhere during a period aggregating thirty years. The said board of education upon the recommendation of the trustees of the normal college may also, in its discretion, retire any such member of the teaching or supervising force upon his or her own application after the like period of service. Upon such retirement whether voluntary or otherwise, the person retired shall be entitled to receive an annuity out of the teachers' retirement fund of not less than one-half the annual salary paid to such person at the period of retirement, and in case of the president or of a professor to such an additional sum per annum as will increase such one-half of the salary previously paid if not an even multiple of one thousand dollars to an even multiple of one thousand dollars, and in no case shall such an annuity be less than six hundred dollars. All money, pay, compensation or salary or any part thereof forfeited, deducted or withheld from any member of the teaching or supervising force of the normal college and training department for and on account of absence from duty for any cause shall be turned into the teachers' retirement fund by the board of trustees of said college. Said board of education shall also have power by a two-thirds vote of all its members and after a recommendation to that effect shall have been made by the commissioner of public charities or the commissioner of correction stating that the superintendent or teacher is mentally or physically incapacitated for the performance of duty, to retire any superintendent or teacher of any schools or classes maintained by the department of public charities or the department of correction, respectively, who shall have taught in said school or classes or in the public schools during a period aggregating thirty years. The said board of education, upon the recommendation of either of the said commissioners may also, in its dis-

cretion, retire any such superintendent or teacher who shall have attained the age of sixty-five years upon his or her own application after a like period of service. Any teacher, principal, superintendent or supervising official, including members of the board of examiners, so retired shall thereafter be entitled to receive as an annuity, one-half the annual salary paid to said teacher, principal, superintendent or supervising official at the date of said retirement, not to exceed, however, in the case of a teacher, the sum of one thousand dollars per annum, and in the case of a principal, fifteen hundred dollars per annum, and in the case of a supervising official, two thousand dollars per annum. And in no case shall such annuity for any teacher, already retired or hereafter to be retired, be less than six hundred dollars. The said board is hereby given the power to use both the principal and the income of said fund. Teachers hereafter appointed in schools or classes maintained in the institutions controlled by the department of public charities or the department of correction, shall be appointed by the commissioner of the appropriate department upon the nomination of the city superintendent of schools and shall be licensed by the board of examiners of the department of education. The department of education through such representatives as it may designate shall maintain an effective visitation and inspection of all such schools or classes.

CHARGES AGAINST PRINCIPAL AND TEACHERS AND OTHERS; PROCEEDINGS THEREON

Section 1093. A local school board or any member thereof, the city superintendent, an associate city superintendent or a district superintendent, may prefer charges to the board of education against a principal, a branch principal, a director, a head of department, or any other officer exercising supervising powers in the schools under their charge, or against a teacher in any of the schools under their charge, for gross misconduct, insubordination, neglect of duty or general inefficiency. Pending trial, the board of education may suspend said principal or teacher or other officer, with or without pay, and appoint a substitute in his place. In accordance with by-laws to be passed by the board of education, a district superintendent shall have the like power to suspend a teacher in a school within his district, and shall forthwith report such suspension to the city superintendent, who shall immediately report it to the board of education. Pending action by the board of education, the city superintendent may appoint a substitute in the place of any teacher so suspended. The board of education, on receiving notice of such charges, shall immediately proceed to try and determine the case, either in the board or by a committee of its body, and shall fix the penalty or punishment, if any, to be imposed for the offense, and such penalty or punishment shall consist of a fine, suspension for a fixed time without pay, or dismissal; pro-

vided, however, that a vote of a majority of all the members of the board of education shall be necessary to impose the penalty of dismissal. The report of any committee holding such trial shall be subject to final action by the board, which may reject, confirm or modify the conclusions of the committee, and the decision of the board shall be final, except as to matters in relation to which, under the general school laws of the state, an appeal may be taken to the state superintendent of public instruction. In case the principal or other officer or teacher is acquitted, he shall be restored to his position with full pay for the period of suspension. In all trials authorized by this chapter all testimony taken shall be under oath, which the president of the board of education, chairman of a local school board or chairman of the committee conducting the trial is hereby authorized to administer, and the supreme court shall have power, upon the application of such president or chairman, to compel any witness who may be summoned, to appear and testify before said board of education, local school board or committee.

ANNUAL REPORT TO STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Section 1694. The board of education shall, between the first day of August and thirtieth day of September in each year, make and transmit to the state superintendent of public instruction a report in writing for the state school year ending on the next preceding thirty-first day of July, which report shall be in such form and shall state such facts as the state superintendent and the school laws of the state shall require.

ANNUAL REPORT TO MAYOR; OTHER REPORTS TO MAYOR

Section 1095. The board of education shall, between the first day of August and the thirtieth day of November in each year, make and transmit to the mayor of The City of New York a report in writing, for the year ending on the thirty-first day of July next preceding, stating the whole number of schools under its jurisdiction during the said year, ending on the thirty-first of July; the number of teachers; the total number of pupils on register, and the average attendance at each school; the number of high schools and training schools for teachers, with the number of teachers and the attendance of pupils at each; the corporate schools or societies from which reports have been made, as elsewhere prescribed in this act, the length of time such schools have been kept open, and the number of teachers and of pupils taught in each such school. The board of education shall also between the first day of January and the fifteenth day of February in each year make and transmit to the mayor of The City of New York another report bearing date the thirty-first day of December next preceding, stating the total amount of money expended for the purposes of public education in said city during the

year ending on said thirty-first day of December. The board of education shall also make in said reports such suggestions and recommendations relative to the public schools of The City of New York as it may deem proper.

REMOVALS BY MAYOR AFTER HEARING FOR NEGLECT OR MISCONDUCT

Section 1096. Any member of the board of education, or of a local school board, may be removed by the mayor of said city, upon proof either of official misconduct in office, or negligence of official duties, or of conduct in any manner connected with his official duties, or otherwise, which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal of said member he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing.

THE BOARD OF EDUCATION TO CAUSE ACCOUNTS AND RECORDS TO BE MADE AND KEPT

Section 1097. The board of education shall provide the proper book or books, in form as required by its by-laws, and shall cause the class teachers under the direction and supervision of the principal to enter the names, ages and residences of the scholars attending the school, the name of the parent or guardian of each pupil and the days on which the scholars shall have attended respectively, and the aggregate attendance of each scholar during the year, and also the day upon which the school shall have been visited by the city superintendent or by an associate city superintendent or by the district superintendent, or by members of the board of education, or by members of the local school board, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the board of education. These books shall be preserved as the property of the board of education and shall at all times be open to inspection by members of the board of education, by members of the local school boards and by the city superintendent, or by any associate city superintendent, or by the district superintendents.

SCHOOL OFFICERS NOT TO BE INTERESTED IN CONTRACTS; REMOVAL OF

Section 1098. The board of education shall have power to remove from office any school officer who shall have been directly or indirectly interested in the furnishing of any supplies or materials, or in the doing of any work or labor, or in the sale or leasing of any real estate, or in any proposal, agreement or contract for any of these purposes, in any case in which the price or con-

sideration is to be paid, in whole or in part, directly or indirectly, out of any school moneys, or who shall have received, from any source whatever, any commission or compensation in connection with any of the matters aforesaid; and any school officer who shall violate the preceding provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars or imprisonment in the city prison not exceeding one year, or both, and shall also be ineligible to any school office. The provisions of this section shall not apply to authors of school books used in any of the public schools because of any interest they may have as authors in such books.

CONTRIBUTIONS TO POLITICAL FUNDS, ETC., PROHIBITED

Section 1099. Neither the city superintendent of schools, nor any associate or district superintendent of schools, nor any member of the board of examiners, nor any member of the supervising or teaching staff of the department of education of The City of New York, shall be permitted to contribute any moneys, directly or indirectly, to any fund intended to affect legislation increasing their emoluments.

POWERS OF INVESTIGATION

Section 1100. The board of education may investigate, of its own motion or otherwise, either in the board or by a committee of its own body, any subject of which it has cognizance or over which it has legal control, including the conduct of any of its members or employes or those of any local school board; and for the purpose of such investigation, such board or its president, or committee and its chairman, shall have and may exercise all the powers which the board of education has or may exercise in the case of a trial under section one thousand and ninety-three of this act. Any action or determination of a committee appointed under the provisions of this section shall be subject to approval or reversal by the board which may also modify the determination of the committee in such way as the board shall deem proper and just, and the judgment of the board thereon shall be final.

CONTINUATION IN OFFICE OF ALL EMPLOYES UNDER THE PUBLIC SCHOOL SYSTEM

Section 1101. Except as herein otherwise provided, the city superintendent, the members of the board of examiners, the supervisors, the directors, and all principals, teachers and other members of the educational staff in the public school system of any part of The City of New York, and all school officers or other employes appointed by the board of education before this act takes

effect, including the secretary of the board, the city superintendent of schools, the superintendent of school buildings, the superintendent of school supplies, the auditors, and all deputies, clerks and other employes in their respective offices shall continue to hold their respective positions and to be entitled to such compensation as is now provided or may hereafter be provided by the lawful authority subject to change of title, to reassignment or to removal for cause, as may be provided by law, and subject to the right of the said board to abolish unnecessary positions. The secretaries, clerical force and employes of the several borough school boards abolished by this act, including the supervisor of lectures for the boroughs of Manhattan and the Bronx, shall be assigned by the board of education, and the clerical force and the employes of the several borough superintendents and boards of borough superintendents also abolished by this act shall be assigned by the board of superintendents, to positions and duties corresponding as nearly as may be to their respective positions and duties before this act takes effect without prejudice or advantage, provided, however, that nothing herein contained shall be construed to repeal, limit, modify or abridge any provisions of law or civil service regulations relative to the removal of subordinates by public officers or heads of departments, or to affect the right of adding to the duties or reducing the salary of any secretary, clerk or employe and abolishing unnecessary positions. All licenses to teach or certificates of qualifications for teaching granted by the superintendent of public instruction of the city of Brooklyn, or by authority of the board of education of the said city of Brooklyn, prior to February first, eighteen hundred and ninety-eight, or recognized by the board of education of the said city of Brooklyn or the state superintendent of public instruction as in force at that date in said city, shall unless revoked for cause by the state superintendent of public instruction, be recognized by the city superintendent of schools and the board of examiners of The City of New York, as in full force, and shall entitle the holders to appointment or promotion to any position to which they were respectively eligible by the possession of such licenses or certificates. All persons heretofore transferred under the provisions of this chapter as originally enacted to the service of the consolidated city who hold offices for definite terms, shall be deemed to have been transferred for the remainder of their respective terms only.

SCHOOL MONEY APPROPRIATION BY THE STATE TO THE PUBLIC SCHOOLS OF THE
CITY

§ Section 1102. Whenever the city clerk shall receive notice from the state superintendent of public instruction of the amount of moneys apportioned to The City of New York for the support and encouragement of common schools therein, he shall immediately lay the same before the board of aldermen of said city; and the chamberlain of the said city shall apply for and receive

the school moneys apportioned to the said city as soon as the same become payable, and place the same in the city treasury, to the credit of the general fund for the reduction of taxation.

TITLE 2

THE COLLEGE OF THE CITY OF NEW YORK

TO CONTINUE AS A SEPARATE CORPORATION

Section 1127. The College of The City of New York shall continue to be a separate and distinct organization and body corporate, and as such shall have the powers and privileges of a college, pursuant to the revised statutes of this state, and be subject to the provisions of the said statute relative to colleges, and to the visitation of regents of the university, in like manner with the other colleges of the state.

TRUSTEES OF COLLEGE OF CITY OF NEW YORK; NUMBER, APPOINTMENT

Section 1128. The board of trustees of said college on and after the first day of July, nineteen hundred, shall consist of nine residents of the city to be appointed as hereinafter provided, of the president of the board of education of the city ex officio and of the president of said college ex officio. Provided, however, that after the president of said college now in office vacates the same, his successor shall not be a member of said board of trustees. Except as herein otherwise provided, the said board shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the university law. The mayor of The City of New York shall appoint before the first day of June, nineteen hundred, nine persons to serve as such trustees, to hold office respectively as shall be designated by the mayor, for one, two, three, four, five, six, seven, eight and nine years from the first day of July, nineteen hundred. On or before the first day of June prior to the expiration of the term of office of any trustee the mayor shall appoint his successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the office of trustee—other than the president of the board of education—by the appointment of a trustee to hold office for the unexpired term. Each trustee so appointed shall take the oath of office required by the constitution of the state. Any resignation from the office of trustee shall be made to the mayor. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee may be removed by the mayor upon proof either of official misconduct or negligence of official duties, or of conduct in any manner connected with his

official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing. The board of trustees shall have power to prescribe by-laws and regulations for the board and for the government of the college, its faculty, instructors and other employes. Such by-laws shall include rules governing the appointment of all officers, members of the faculty, instructors and other employes of the college. A majority of the members of the board appointed by the mayor as aforesaid shall constitute a quorum for the transaction of business and no resolution or act of the board shall be invalid by reason of any vacancy existing in the board, provided that such act or resolution shall be adopted by a vote of five members of the board.

LAWS APPLICABLE

Section 1129. All acts of the legislature which were in force on March thirtieth, eighteen hundred and sixty-six, in regard to the free academy, and to its control, management, support and affairs, not since modified or repealed, and which are not inconsistent with the provisions of this act, and all laws in force at the time this act takes effect relative to the College of the city of New York not inconsistent with this act are hereby declared to be applicable to the said college.

PARTICIPATION IN STATE LITERATURE AND OTHER FUNDS

Section 1130. The College of The City of New York shall be entitled to participate in the distribution of the income of the literature and other funds in the same manner and upon the same conditions as the other colleges of the state, and the regents of the University of the State of New York shall pay annually to the comptroller of The City of New York, as trustee for said college, the distributive share of the said funds to which the said college of The City of New York shall, by law, be entitled, and which shall be applied and expended for library books for the said college.

COLLEGE OFFICIALS AND PROFESSORS' RETIREMENT FUND

*Section 1130a. A retirement fund for the president, vice-president, professors, assistant professors and instructors of the College of the City of New York is hereby created, and shall consist of one per centum annually or as much thereof as is necessary for the purpose of this act, of all excise

*Chapter 604 of the Laws of 1902, as amended by Chapter 438 of the Laws of 1903.

moneys or license fees belonging to the city of New York as constituted by this act and derived or received in any current year by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer or of any moneys paid for taxes upon the business of trafficking in or selling or dealing in strong or spirituous liquors, ale, wine or beer, in the boroughs of Manhattan, Bronx, Brooklyn, Queens and Richmond under the provisions of any law of this state authorizing the granting of any such license or permission, the said one per centum or as much thereof as is necessary to be paid by the comptroller of said city, who is hereby authorized and required to pay the same to the persons entitled to the said retirement fund as hereinafter prescribed, such sum to amount in each and every year to not more than one per centum on the excise fund belonging to said city, nor to exceed such amount as may be required to pay the full amount of annuities allowed. The comptroller of the city of New York shall by the direction and request of said board of trustees of said college pay out the same. The comptroller of the city of New York shall report in detail to the board of trustees of said college annually in the month of January the amounts paid out by him in the preceding year for account of said retirement fund. Said board of trustees shall have power by a two-thirds vote of all its members, to retire any member of the supervising or teaching staff of said college, who shall have attained the age of sixty-five years, and shall have been engaged as a supervising officer, professor, assistant professor or instructor in said college for ten years, and has taught in some university, college, academy, educational institution or in the common schools of this or some other state in the United States for thirty years, and in the event of such retirement shall be entitled to the annuity hereinafter provided and any president, vice-president, professor, assistant professor or instructor, who shall have served consecutively for twenty years in said college, or who is connected with said college and shall have served said college for ten years and taught or acted as supervising officer in some university, college, academy, educational institution or in the common schools of this or some other state in the United States for thirty years, shall on his own application, be permitted to retire from the active service of said college, and upon such retirement, duly approved by a majority vote of the board of trustees of said college, shall be entitled to receive an annuity out of said retirement fund of not less than one-half the annual salary paid to him at the date of such retirement, and in case of the president an additional sum of one thousand dollars, in case of a vice-president an additional sum of five hundred dollars, and should said annuity, in the case of a professor, be less than three thousand dollars, then the said board may, in its discretion, increase said annuity to not more than three thousand dollars. The said board shall have power by a two-thirds vote of all its members, to appoint

any supervising officer, professor, assistant professor or instructor who has been retired as hereinbefore provided, to active duty for a term of not more than one year in a position similar to that formerly held by him. Such supervising officer, professor, assistant professor or instructor so appointed to active duty shall be entitled to the annuity to be paid out of the retirement fund as hereinbefore provided and an additional sum to be paid out of funds in the hands of the board of trustees for the general expenses of the college, as compensation for his services, which additional sum shall be equal to the difference between the amount of the annuity received by him and the amount of his salary for the year immediately preceding his retirement, so that the total amount paid him shall equal his salary for the year immediately preceding his retirement. Any such appointment heretofore made by said board is hereby ratified and confirmed and such appointee is entitled to the annuity hereinbefore provided and an additional sum as above provided as compensation for his services.

DUTIES OF TRUSTEES TO REPORT

Section 1131. It shall be the duty of the trustees of said college, annually on or before the first day of September, to report to the board of estimate and apportionment such sum, not exceeding one hundred and seventy-five thousand dollars in any one year, as they may require for the payment of the salaries of the professors and officers of said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor; for repairing and altering the college buildings; and for the support, maintenance and general expenses of said college; and the said board of estimate and apportionment and the board of aldermen of The City of New York are hereby authorized and directed in each and every year to raise and collect by tax on the estate, real and personal, liable to taxation in said city, such sum of money, not exceeding the amount aforesaid, as may be reported to them by said trustees; the amount so to be raised and collected to be in addition to the sums required for the purposes of common schools in The City of New York under the act entitled "An act to amend, consolidate and reduce so one act the several acts of the state of New York relative to the common schools of The City of New York," passed July third, eighteen hundred and fifty-one, and the several acts amendatory thereto. Upon the recommendation of the trustees, the board of estimate and apportionment and the board of aldermen may increase, from time to time, the amount annually to be raised in the tax levy for the maintenance of the College of the City of New York.

INSTRUCTION TO BE FURNISHED GRATUITOUSLY BY COLLEGE OF THE CITY OF
NEW YORK; DEGREES AND DIPLOMAS

Section 1132. The trustees of said college shall continue to furnish, through the College of the City of New York, the benefit of education, gratuitously, to boys who have been pupils in the common schools of the city, and to all other male students who are actual residents of said city, and who are qualified to pass the required examination for admission to said college. And the trustees, upon the recommendation of the faculty of the said college may grant the usual degrees and diplomas in the arts to such persons as shall have completed a full course of study in the said college.

REPORTS BY TRUSTEES TO BE FURNISHED

Section 1133. The trustees of the College of the City of New York shall make and transmit, annually, on or before the first day of February in each year, to the board of aldermen and also to the secretary of the board of regents of the university of the state of New York a report, dated on the thirty-first day of December next preceding, which report shall state the names and ages of all the pupils instructed in such college during the preceding year, and the time that each was so instructed, specifying which of them have completed a full course of study therein, and which have received degrees, medals, and other special testimonials, a particular statement of the studies pursued by each pupil since the last preceding report, together with the books such student shall have studied, in whole or in part, and if in part, what portion; an account or estimate of the library, philosophical and chemical apparatus, and mathematical or other scientific instruments belonging to such college; the names of the instructors employed in said college, and the compensation paid to each; what amount of money the board of education received during the year for the purposes of such college, and from what sources, specifying how much from each, and the particular manner, and the specific purposes for which such moneys have been expended; and such other information in relation to education in the said college and the measures of the board of trustees in the management thereof, as the board of aldermen or the regents of the university of the state of New York may, from time to time, require.

TITLE 3.

THE NORMAL COLLEGE

THE NORMAL COLLEGE OF THE CITY OF NEW YORK, A CORPORATION AND COLLEGE

Section 1139. The Normal College of the City of New York is hereby declared to be a separate and distinct organization and body corporate, and

as such shall have the power and privileges of a college pursuant to the revised statutes of this state, and be subject to the provisions of the said statutes relative to colleges, and to the visitation of the regents of the university, in like manner with the other colleges of the state.

TRUSTEES, POWERS AND DUTIES OF TRUSTEES

Section 1140. The members of the board of education of The City of New York, together with the president of the normal college shall be ex officio the trustees of said college, and shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the revised statutes. The president of the college shall be a member of the executive committee of the said trustees for its care, government and management.

LAWS APPLICABLE TO; PARTICIPATION IN STATE LITERATURE AND OTHER FUNDS

Section 1141. All acts of the legislature now in force with regard to the said normal college, its control, management, support and affairs, not inconsistent with the provisions of this act, are hereby declared to be applicable to said college. The Normal College of the City of New York shall be entitled to participate in the distribution of the income of the literature, and other funds of the state in the same manner, and upon the same conditions as the other colleges of the state, and the regents of the university of the state of New York shall pay annually to the comptroller of The City of New York, as trustee for said college, the distributive share of the said funds to which the said Normal College of the City of New York shall by law be entitled, and which shall be applied and expended for library books for said college.

TRUSTEES TO REPORT ANNUALLY THE AMOUNT REQUIRED TO PAY SALARIES,
ETC.; SUCH AMOUNT TO BE RAISED BY TAXATION; BOARD OF ALDER-
MEN MAY INCREASE AMOUNT NAMED HEREIN

Section 1142. It shall be the duty of the trustees of said college annually on or before the fifteenth day of October to report to the board of estimate and apportionment such sum not exceeding one hundred and fifty thousand dollars in any one year, as they may require for the payment of salaries of the professors and officers of the said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor, for repairing and altering the college buildings, and for the support, maintenance and general expenses of said college; and the said board of estimate and apportionment, and the board of aldermen of The City of New York are hereby authorized and directed, in each and every year to raise and

collect by tax on the estate, real and personal, liable to taxation in said city, such sum of money, not exceeding the amount aforesaid, as may be reported to them by said trustees, the amount so to be raised and collected to be in addition to the sums required for the purposes of common schools in The City of New York, under the act entitled "An act to amend, consolidate and reduce to one act the several acts of the state of New York relative to common schools of The City of New York," passed July third, eighteen hundred and fifty-one, and the several acts amendatory thereto. Upon the recommendation of the trustees, the board of estimate and apportionment and the board of aldermen may increase from time to time the amount annually to be raised in the tax levy for the maintenance of the normal college.

INSTRUCTION TO BE FURNISHED GRATUITOUSLY; DEGREES AND DIPLOMAS

Section 1143. The said board of education, as trustees of said college, shall continue to furnish through the Normal College of the City of New York, the benefit of education gratuitously to girls who have been pupils in the common schools of The City of New York as constituted by this act, for a period of time to be regulated by the board of trustees of said college, and to all other girls who are actual residents of said city, and who are qualified to pass the required examination for admission to said college; and the board of trustees, upon the recommendation of the faculty of the said college, may grant the usual degrees and diplomas in the arts to such persons as shall have completed a full course of study in the said college. The said board of trustees shall give normal instruction in manual training for the purpose of preparing teachers of manual training for the common schools.

ANNUAL REPORTS OF TRUSTEES

Section 1144. The trustees of the Normal College of the City of New York shall make and transmit annually, on or before the first day of February in each year, to the board of aldermen and also to the secretary of the board of regents of the university of the state of New York, a report, dated on the last secular day of December next preceding, which report shall state the names and ages of all the pupils instructed in said college during the preceding year, and the time that each was so instructed, specifying which of them have completed a full course of study therein, and which have received degrees, medals and other special testimonials; a particular statement of the studies pursued by each pupil since the last preceding report, together with the books such student shall have studied, in whole or in part, and if in part, what portions; an account or estimate of the library, philosophical and chemical apparatus and mathematical or other scientific instruments belonging to said college; the names of the instructors employed in said college and the com-

Benefit of Colored Orphans, the schools of the American Female Guardian Society, the school established and maintained by the New York Juvenile Asylum, by the New York Infant Asylum, by the Nursery and Child's Hospital, including the country branch thereof; the orphan asylums and industrial schools as existing in the city of Brooklyn at the time of the passage of this act, and the several schools and branches thereof, the schools organized under the act entitled "An act to extend to the city and county of New York the provisions of the general act in relation to the common schools, passed April eleventh, eighteen hundred and forty-two," or an act to amend the same, passed April eighteenth, eighteen hundred and forty-three, or an act entitled "An act more effectually to provide for common school education in the city and county of New York, passed May seventh, eighteen hundred and forty-four," or any of the acts amending the same, and such schools as may be organized under the provisions of this chapter shall be subject to the general supervision of the board of education, and shall be entitled, through the said board to participate in the apportionment of the school moneys, as provided for in this chapter, but they shall be under the immediate direction of their respective trustees, managers and directors, as herein provided.

ACCIDENTAL OMISSION TO REPORT

Section 1155. Whenever an apportionment of the public money shall not be made to any school, in consequence of any accidental omission to make any report required by law, or to comply with any other regulation or provision of law, the board of education may, in its discretion, direct an apportionment to be made to such school, according to the equitable circumstances of the case, to be paid out of the public money on hand, or if the same shall have been distributed out of the public money to be received in a succeeding year.

TRUSTEES OF SUCH SCHOOLS MAY CONVEY TO CORPORATION AND BECOME MERGED

Section 1156. The trustees, managers and directors of any of the corporate schools entitled to participate in the apportionment of the school moneys may, at any time, convey their school houses and sites to the corporation of The City of New York, and transfer any of their schools to the board of education, on the terms and in the manner to be agreed upon and prescribed by the board of education, so as either to merge the said schools in the public schools or adopt them as public schools; and the same shall then be public schools, subject to all the rules, duties and liabilities, and enjoy the same rights as if they had been originally established as public schools.

NAUTICAL SCHOOL TO BE ESTABLISHED

Section 1157. The board of education is authorized and directed to provide and maintain a nautical school in said city, for the education and training of pupils in the science and practice of navigation; to furnish accommodations for said school, and make all needful rules and regulations therefor, and for the number and compensation of instructors and others employed therein; to prescribe the government and discipline thereof, and the terms and conditions upon which pupils shall be received and instructed therein, and discharged therefrom, and provide in all things for the good management of said nautical school. And said board shall have power to purchase the books, apparatus, stationery, and other things necessary or expedient to enable said school to be properly and successfully conducted, and may cause the said school or the pupils, or part of the pupils, thereof to go on board vessels in the harbor of New York, and take cruises in or from said harbor for the purpose of obtaining a practical knowledge in navigation and of the duties of mariners. And the said board are hereby authorized to apply to the United States Government for the requisite use of vessels and supplies for the purpose above mentioned.

NAUTICAL SCHOOL; MANAGEMENT OF

Section 1158. The said board of education shall appoint annually at least three of their number who shall, subject to the control, supervision and approbation of the board, constitute an executive committee, for the care, government, and management of such nautical school, under rules and regulations so prescribed, and whose duty it shall be, among other things, to recommend the rules and regulations which they deem necessary and proper for such school.

CHAMBER OF COMMERCE TO APPOINT COMMITTEE TO SERVE AS COUNCIL

Section 1159. The chamber of commerce of New York is authorized to provide for and appoint a committee of its members to serve as a council of the nautical school, whose duty it shall be as far as may be to advise and cooperate with the board of education in the establishment and management of such school, and from time to time to visit and examine the same, and to communicate in respect thereof, with the board of education, or such executive committee thereof, and to make reports to the chamber of commerce which may transmit to the state superintendent of public instruction such reports, or any thereof, or an abstract of the same, with such recommendations as may be deemed advisable.

EXPENSES

Section 1160. After the establishment and organization of the said school, the expenses thereof, and of carrying out the provisions of this chapter, shall be defrayed from the moneys raised by law for the support of common schools in The City of New York.

NEW YORK INSTITUTION FOR THE BLIND

Section 1161. The board of education is hereby authorized and required to distribute to the managers of the New York Institution for the Blind a ratable proportion of the said school fund to every blind pupil in said institution, without regard to age.

OTHER CHARTER PROVISIONS

RELATING TO

THE BOARD OF EDUCATION

HEADS OF DEPARTMENTS; SEATS IN BOARD OF ALDERMEN; WHEN REQUIRED TO ATTEND

Section 25. Each head of an administrative department of the city shall be entitled to a seat in the board of aldermen and shall whenever required by it attend its meetings. He shall answer all questions put to him by any member relating to the affairs of his department, provided he shall have received forty-eight hours written notice thereof, and of the questions to be put. He shall have the right to participate in the discussions of said board, but shall not have the right to vote. If an administrative department is composed of more than one member, the president or presiding officer of such department shall be entitled to such seat.

BOARD OF ALDERMEN; POLICE, HEALTH, PARK, FIRE AND BUILDING REGULATIONS

Section 43. The board of aldermen shall have power to make, establish, alter, modify, amend and repeal all ordinances, rules, and police, health, park, fire and building regulations, not contrary to the laws of the state, or the United States, as they may deem necessary to carry into effect the powers conferred upon The City of New York by this act, or by any other law of the state, or by grant; and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants, except so far as power is conferred by this act upon presidents of boroughs, the police, health, park, and fire departments respectively to make rules for the government of the persons employed in and by said departments. Nothing in this section contained shall be construed to impair the powers conferred by this act upon the department of education. * * *

FURTHER POWERS; BONDS FOR SPECIFIED PUBLIC IMPROVEMENTS

Section 47. The board of aldermen shall have power to provide by ordinance for the acquisition, construction, or establishment of mar-

kets; for the acquisition and construction of parks, parkways, boulevards and driveways; for the building of bridges over, and of tunnels under any stream or waterway within or adjoining the limits of the city; for the building of docks, wharves, or piers, and for acquiring land by purchase or condemnation for said purposes; for acquiring, or constructing public buildings, including school-houses and sites therefor for the use of the city; for the repaving of streets; and for any of the foregoing purposes, may create loans and authorize the issue of bonds, or other evidences of indebtedness, to pay for the same, payable at such times, and in such manner, and at such rates of interest as it may by ordinance prescribe; but no bonds or other evidences of indebtedness shall be issued under the authority of this section, unless the proposition for creating such debt, shall first be approved by a majority vote of the whole board of estimate and apportionment, entered on the minutes of record of such board.

BOARD OF ALDERMEN, TO ACT WITHIN LIMITED TIME ON BOND ISSUES AND GRANTS OF FRANCHISES

Section 48. After any proposition for creating a debt by the issue of bonds for any of the purposes specified in section forty-seven of this act as amended, or after any proposed franchise or right to use the streets, avenues, waters, parkways or highways of the city, has been approved by a resolution or vote of the board of estimate and apportionment, it shall be the duty of the board of aldermen upon receiving a copy of such resolution or vote to appoint a day not less than one week nor more than two weeks after receipt thereof for the consideration of the subject matter. The board of aldermen shall, on the day so fixed, proceed with the consideration thereof, and may continue and adjourn such consideration from time to time until a final vote shall be taken thereon as hereinafter provided. Within six weeks after the copy of such resolution or vote of the board of estimate and apportionment shall have been first received by the board of aldermen, a final vote shall be taken thereon by ayes and noes. If a majority of all the members of the board of aldermen shall vote against such proposition or franchise it shall be deemed to be rejected. If a majority of all the members of the board of aldermen shall not vote against such proposition or franchise within the six weeks above limited, then it shall be deemed at the expiration of said period to have been passed by the requisite vote of the board of aldermen. The action of the board of aldermen in passing any such proposition or franchise, whether by an affirmative vote, or by a failure of a majority of all the members of the board of aldermen to vote against the same, shall be subject to the approval of the mayor and to the action of the board of aldermen in case of a veto, as provided in this act.

SECURITY TO BE REQUIRED FROM CERTAIN OFFICERS

Section 55. It shall be the duty of the board of aldermen where no provision has been made by law in respect thereto, to provide for the accountability of all officers and other persons, save as herein otherwise provided, to whom the receipt or expenditure of the funds of the city shall be entrusted, by requiring from them sufficient security for the performance of their duties of trust, which security shall be annually renewed; but the security first taken shall remain in force until new security shall be given. In the event of a failure of the board of aldermen to fix any such bond, the heads of the respective departments and the presidents of the several boroughs shall have power to fix such bond subject to modification by the board of aldermen.

SALARIES OF OFFICERS

Section 56. The salaries of all officers whose offices may be created by the board of aldermen for the purpose of giving effect to the provisions of this act, shall, subject to the other provisions of this act, be prescribed by ordinance or resolution. It shall be the duty of the board of aldermen, upon the recommendation of the board of estimate and apportionment, to fix the salary of every officer or person whose compensation is paid out of the city treasury other than day laborers, and teachers, examiners and members of the supervising staff of the department of education, irrespective of the amount fixed by this act, except that no change shall be made in the salary of an elected officer or head of a department during his tenure of office. Salaries need not be uniform throughout the several boroughs, but may, in the discretion of the board of estimate and apportionment, be made to consist of two elements: First, remuneration for work done, which shall be the same throughout all the boroughs for positions of like character; Second, an additional sum based upon an estimate of the prevailing rentals and expenses of living in the borough where the services rendered are performed, and which may vary in the several boroughs. The board of aldermen may reduce, but may not increase, any salary recommended by the board of estimate and apportionment; but the action of the board of aldermen on reducing any salary so recommended shall be subject to the veto power of the mayor, as provided in section forty of this act. In case the board of aldermen shall vote to reduce more than one salary, the mayor may approve of the reduction of one or more salaries, and may disapprove the reduction of others. In such case the reductions he shall approve shall become effective; and as to those which he shall not approve, the recommendations of the board of estimate and apportionment shall become effective unless the reductions be again passed by a three-fourths vote of the board of aldermen in the manner provided in section forty of this act. All salaries as fixed

on the first day of January, nineteen hundred and two, shall continue in force until fixed by the board of aldermen as in this section provided.

BOARD OF ALDERMEN; TRUSTEES OF PUBLIC PROPERTY

Section 59. The board of aldermen and the several members thereof and all officers and employes of the city are hereby declared trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every person residing in said city, when authorized to pay taxes therein, and who shall pay taxes therein is hereby declared to be a cestui que trust in respect to the said property, funds and effects, respectively; and any co-trustees or any cestui que trust shall be entitled, as against said trustees, and in regard to said property, funds and effects, to all the rights and privileges provided by law for any co-trustee or cestui que trust to prosecute and maintain any action to prevent waste and injury to any property, funds and estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any co-trustee or cestui que trust aforesaid.

CITY MAY DISPOSE OF BUILDINGS NOT REQUIRED FOR PUBLIC USE

Section 76. Nothing in this title contained shall prevent the city from disposing of any building or parcel of land no longer needed for public use, provided such disposition shall be approved by the sinking fund commissioners, and shall be at public sale, and be provided for by ordinance.

MAYOR'S POWER OF REMOVAL

Section 95. The mayor, may, whenever in his judgment the public interests shall so require, remove from office any public officer holding office by appointment from a mayor of The City of New York, except members of the board of education, and aqueduct commissioners, trustees of the College of The City of New York, and trustees of Bellevue and allied hospitals, and except also judicial officers for whose removal other provision is made by the constitution. No public officer shall hold his office for any specific term, except as in this act is otherwise expressly provided.

ADMINISTRATIVE DEPARTMENTS

Section 96. There shall be the following administrative departments in said city:

Department of Education.

DEPARTMENT OF EDUCATION

Section 108. The head of the department of education shall be called the board of education and shall consist of forty-six members as hereinafter provided.

HEADS OF DEPARTMENTS AND BOROUGH PRESIDENTS; POWER TO PURCHASE SUPPLIES

Section 111. Each head of a department and each president of a borough shall have cognizance and control of the purchase of fuel, furniture, utensils, books and other articles needed for the public offices within his department or jurisdiction. Supplies shall be furnished to heads of bureaus and all subordinate officials only upon the receipt of a written requisition signed by the head of the office in which the same are required.

SCHEDULES OF SALARIES TO BE PRESENTED WHEN REQUESTED

Section 112. It shall be the duty of each borough president and the head of each department to present new schedules of salaries for his office or department to the board of estimate and apportionment, whenever requested by said board so to do.

TO APPOINT HEADS OF DEPARTMENTS

Section 118. The mayor shall appoint the heads of departments and all commissioners, except as otherwise provided in this act. He shall also appoint all members of any board or commission authorized to superintend the erection or repair of any building belonging to or to be paid for by the city, whether named in any law or appointed by any local authority, and also a commissioner of jurors for the boroughs of Manhattan and the Bronx, inspectors of weights and measures, and as many sealers of weights and measures as may by ordinance be prescribed, and also the members of any other local board and all other officers not elected by the people, whose appointment is not excepted or otherwise provided for. Every head of department and person in this section named shall, subject to the power of removal herein provided, hold his office for such term as is provided by this act, or otherwise, and in each case until a person is duly appointed, and has qualified, in his place.

REGULATIONS OF MUNICIPAL CIVIL SERVICE

Section 124. All appointments, promotions and changes of status of persons in the public service of The City of New York shall be made in the manner prescribed by the constitution of the state and in accordance with the

provisions of chapter three of the general laws, commonly known as the civil service law, and such amendments as may be made thereto, and the provisions of this act.

VETERANS IN MUNICIPAL SERVICE

Section 127. All veterans, either of the army or navy or the volunteer fire departments, now in the service of either of the municipal and public corporations hereby consolidated, who are now entitled by law to serve during good behavior, or who can not under existing law be removed except for cause, shall be retained in like positions and under the same conditions by the corporation constituted by this act, to serve under such titles and in such way as the head of the appropriate department or the mayor may direct.

THE COMPTROLLER; GENERAL DUTIES; SETTLEMENT OF CLAIMS; ASSENT CERTAIN CONTRACTS REQUIRED; ELECTION; SALARY

Section 149. The department of finance shall have control of the fiscal concerns of the corporation. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department. It shall prescribe the forms of keeping and rendering all city accounts, and, except as herein otherwise provided, the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employes of the corporation shall be paid. All payments by or on behalf of the corporation, except as otherwise specially provided, shall be made through the proper disbursing officer of the department of finance, on vouchers to be filed in said department, by means of warrants drawn on the chamberlain by the comptroller, and countersigned by the mayor. The comptroller may require any person presenting for settlement an account or claim for any cause whatever, against the corporation, to be sworn before him touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. Willful false swearing before him is perjury, and punishable as such. He shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor; but in adjusting and settling such claims, he shall, as far as practicable, be governed by the rules of law and principles of equity which prevail in courts of justice. No claim against the city or against any of the counties contained within its territorial limits, or payable in the first instance from moneys in the city treasury for services rendered or work done or materials or supplies furnished except (1) claims reduced to judgment, or (2) awards, costs, charges and expenses duly taxed or ordered paid in judicial proceedings, or (3) claims arising under the pro-

visions of contracts made at public letting in the manner provided by section four hundred and nineteen of this act, or (4) claims settled and adjusted by the comptroller, pursuant to the authority of this section, shall be paid unless an auditor of accounts shall certify that the charges therefor are just and reasonable; and, except as hereinabove otherwise provided, all contracts with the city or any of such counties or with any public officer acting in its or their behalf, shall be subject to such audit and revision by the department of finance. The power hereby given to settle and adjust such claims shall not be construed to authorize the comptroller to dispute the amount of any salary established by or under the authority of any officer or department authorized to establish the same, nor to question the due performance of his duties by such officer, except when necessary to prevent fraud. If in any action at law against The City of New York to recover upon a claim not embraced within the exceptions hereinabove numerically specified, the amount claimed by the plaintiff is in excess of the amount as audited and settled by the department of finance, the plaintiff must establish his claim by competent evidence of value, and no testimony shall be admitted to show a promise or agreement by any officer or employe of the city or of any of the counties contained within its territorial limits, to pay any larger sum than the amount so audited or allowed by the department of finance. The comptroller shall not reduce the rate of interest upon any taxes or assessments below the amount fixed by law. No contract hereafter made, the expense of the execution of which is not by law or ordinance, in whole or in part, to be paid by assessments upon the property benefited, shall be binding or of any force, unless the comptroller shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same. But this provision shall not apply to work done, or supplies furnished, not involving the expenditure of more than one thousand dollars, unless the same is required by law to be done by contract at public letting. It shall be the duty of the comptroller to make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and to thereafter hold and retain such sum to pay the expense incurred until the said contract shall be fully performed. And such indorsement shall be sufficient evidence of such appropriation or fund in any action. The comptroller shall furnish to each head of department, monthly, a statement of the unexpended balances of the appropriation for his department. Wages and salaries, except as otherwise provided in this act, may be paid upon pay-rolls, upon which each person named thereon shall separately receipt for the amount paid to such person, and in every case of payment upon a pay-roll the warrant for the aggregate

amount of wages and salaries included therein may be made payable to the superintendent, foreman or other officer designated for the purpose. The comptroller shall enter into, upon behalf of The City of New York, any lease authorized by the commissioners of the sinking fund of property leased to the city. The assent of the comptroller shall be necessary to all agreements hereafter entered into by any city officer, board, commission or department for the acquisition by purchase of any real estate or easement therein, when such an agreement involves an obligation to pay or an expenditure of any money on behalf of the city, and in any proceedings that may hereafter be had to acquire real estate or hereditaments for or on behalf of the corporation of The City of New York, before an award shall be confirmed, imposing an obligation upon the city to pay any moneys, the comptroller shall have thirty days' notice in writing, stating before whom and at what time such proceeding will take place; but nothing hereinbefore contained shall affect the board of rapid transit railroad commissioners existing under chapter four of the laws of eighteen hundred and ninety-one as amended. The comptroller of The City of New York shall be elected and hold office as provided in this act, and shall receive an annual salary of fifteen thousand dollars, and shall account to and pay into the city treasury all fees and emoluments to which he may be entitled under the general tax law of the state of New York and all other statutes, whether general or special.

CORPORATE STOCK OF THE CITY OF NEW YORK; HOW ISSUED; PROVISIONS AS TO BONDED INDEBTEDNESS

Section 169. All bonds issued by The City of New York on and after January first, eighteen hundred and ninety-eight, in pursuance of laws already passed or which may hereafter be passed, or in pursuance of the provisions of this act, excepting assessment bonds and revenue bonds, shall be known as "corporate stock of The City of New York." * * * Such corporate stock may be authorized to be issued by the board of estimate and apportionment, without the concurrence or approval of any other board or public body for the following purposes and within the following limitations: * * * 8. To pay the awards, costs, charges and expenses of acquiring title to lands required for public purposes and which have been or may hereafter be authorized by or pursuant to law; 9. For constructing and equipping school buildings and acquiring sites therefor to an amount not exceeding three million five hundred thousand dollars in any one calendar year. * * *

APPLICATIONS FOR LEASES FOR PUBLIC PURPOSES; STATEMENT BY COMPTROLLER

Section 217. All applications to lease any real estate for the purposes of The City of New York, or any of the counties contained within its territorial

limits, including the premises required in accordance with law, for armories and drill rooms and places of deposit for the safe keeping of arms, uniforms, equipments, accoutrements and camp equipage of the national guard, must be presented to and passed upon by the commissioners of the sinking fund of said city. It shall be the duty of the comptroller, after due inquiry to be made by him, to present to the said commissioners a statement, in writing, of the facts relating to any real estate proposed to be leased, the purposes for which such lease is required by the city, with his opinion, and the reasons therefor, as to the fair and reasonable rent of said premises. The said commissioners upon such report, and upon such further inquiry as they, in their discretion, may make, may authorize a lease of such premises as shall be specified in their resolution, at the rent therein set forth, for a period not exceeding five years, except that a lease for an entire building intended to provide accommodations for more than one department of the city, may be made for a period not to exceed twenty-one years; but such lease shall not be authorized except at a fair and reasonable rent, and unless the commissioners are satisfied, and shall so express, that it would be for the interests of the city that a lease of the premises for the purposes specified should be made. Without the consent of the said commissioners, the premises leased shall not be used during the period of the lease for purposes other than specified in said resolution. If the city shall, prior to the making of the lease, have entered upon the possession of the property, the lease may be made to commence as of the date when the occupation commenced.

SALE OF PUBLIC LANDS AT AUCTION

Section 220. The commissioners of the sinking fund are authorized, upon the application of the board of education duly authorized and certified, to sell at public auction at such times and on such terms as they may deem most advantageous for the public interest, any land or lands and the buildings thereon, owned by The City of New York, occupied or reserved for school purposes, and no longer required therefor, provided, however, that no property shall be disposed of for a less sum than the same may be appraised by the commissioners of the sinking fund, or a majority of them, at a meeting to be held and on an appraisal made within two months prior to the date of the sale; and at least thirty days' notice of such sale, including a description of the property to be sold, shall be published in the City Record. The money received in payment for the said lands and buildings shall be paid into the sinking fund for the redemption of the city debt, if the property thus sold was acquired prior to January first, eighteen hundred and ninety-eight, and if acquired subsequent thereto, into the sinking fund of The City of New York.

APPROPRIATIONS AND THE BOARD OF ESTIMATE AND APPORTIONMENT; HOW
CONSTITUTED; DUTIES; THE ANNUAL BUDGET

Section 226. The mayor, comptroller, president of the board of aldermen, and the presidents of the boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond shall constitute the board of estimate and apportionment. Except as otherwise specially provided, every act of the board of estimate and apportionment shall be by resolution adopted by a majority of the whole number of votes authorized by this section to be cast by said board. The mayor, comptroller and the president of the board of aldermen shall each be entitled to cast three votes; the presidents of the boroughs of Manhattan and Brooklyn shall each be entitled to cast two votes; and the presidents of the boroughs of The Bronx, Queens and Richmond shall each be entitled to cast one vote. A quorum of said board shall consist of a sufficient number of the members thereof to cast nine votes, of whom at least two of the members hereby authorized to cast three votes each shall be present. No resolution or amendment of any resolution shall be passed at the same meeting at which it is originally presented unless twelve votes shall be cast for its adoption. The first meeting of said board in every year shall be called by notice from the mayor, personally served upon the members of said board. Subsequent meetings shall be called as the said board shall direct, and at such meetings the mayor shall preside. The said board shall annually between the first day of October and the first day of November meet, and make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of The City of New York, as constituted by this act and of the counties of New York, Kings, Queens and Richmond for the then next ensuing year. Such budget shall be prepared in such detail as to the titles of appropriations, the terms and conditions, not inconsistent with law, under which the same may be expended, the aggregate sum and the items thereof allowed to each department, bureau, office, board or commission, as the said board of estimate and apportionment shall deem advisable. In order to enable said board to make such budget, the presidents of the several boroughs, the heads of departments, bureaus, offices, boards and commissioners shall, not later than September tenth, send to the board of estimate and apportionment an estimate in writing, herein called a departmental estimate, of the amount of expenditure specifying in detail the objects thereof, required in their respective departments, bureaus, offices, boards, and commissions, including a statement of each of the salaries of their officers, clerks, employes and subordinates. Duplicates of these departmental estimates and statements shall be sent at the same time to the board of aldermen. Before finally determining upon the budget the board of estimate and apportionment shall fix such sufficient time or times as may be necessary to allow the taxpayers of said city to be heard in regard thereto, and

the said board shall attend at the time or times so appointed for such hearing. After such budget is made by the board of estimate and apportionment, it shall be submitted by said board within five days to the board of aldermen, whereupon a special meeting of the board of aldermen shall be called by the mayor to consider such budget, and the same shall simultaneously be published in the City Record. The consideration of such budget by the board of aldermen shall continue from day to day until final action is taken thereon, but such consideration shall not continue beyond twenty days, and in the event of said board of aldermen taking no action thereon within such period of time, the said budget shall be deemed to be finally adopted as submitted by the board of estimate and apportionment. The board of aldermen may reduce the said several amounts fixed by the board of estimate and apportionment, except such amounts as are now or may hereafter be fixed by law, and except such amounts as may be inserted by the said board of estimate and apportionment for the payment of state taxes and payment of interest and principal of the city debt, but the board of aldermen may not increase such amounts nor vary the terms and conditions thereof, nor insert any new items. Such action of the board of aldermen on reducing any item or amount fixed by the board of estimate and apportionment shall be subject to the veto power of the mayor as elsewhere provided in this act, and unless such veto is overridden by a three-fourths vote of the board of aldermen, the item or amount as fixed by the board of estimate and apportionment shall stand as part of the budget. Prior to December twenty-fifth in each year the budget, as finally adopted pursuant to the provisions of this section, shall be certified by the mayor, comptroller and city clerk, whereupon the said several sums shall be and become appropriated to the several purposes therein named. On or before December thirty-first in each year the said budget shall be filed in the office of the comptroller and published in the City Record.

BOARD OF ESTIMATE MAY TRANSFER EXCESS OF APPROPRIATIONS

Section 237. The board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found, by the president of a borough, the head of a department or other officer having control of such appropriation, to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations in such year are insufficient, or such as may require the same. But nothing in the power thus conferred shall authorize the transfer by said board of an appropriation made for any object or purpose, in one year, to any purpose or object, whether an appropriation has been made therefor or otherwise, in any subsequent year.

And any balance of appropriations remaining unexpended at the close of any fiscal year, after allowing sufficient to satisfy all claims payable therefrom, and also any balance to the credit of any account of moneys which have been or may hereafter be paid into the treasury of the city, under existing laws, appropriated or authorized to be expended for any specific purpose, and which the said board of estimate and apportionment may determine not to be necessary, or to be in excess of the amount required therefor, may, at any time, but not less than sixty days after the expiration of the year for which such appropriations are made, or sixty days after the expiration of the year during which the moneys aforesaid were paid into the treasury of the city, after allowing sufficient to satisfy all claims payable from such appropriations, or which the comptroller shall certify should be paid from said moneys paid into the treasury, as aforesaid, be transferred by the comptroller, with the approval of the said board of estimate and apportionment, to the general fund of the city, and applied to the reduction of taxation. The approval by the board of estimate and apportionment of the certificate of the comptroller, as aforesaid, shall be an appropriation of the amounts therein stated to the object or purposes in said certificate specified.

CORPORATION COUNSEL TO BE THE HEAD OF THE LAW DEPARTMENT; DUTIES;
SALARY

Section 255. There shall be a law department of The City of New York, the head whereof shall be called the corporation counsel, who shall be the attorney and counsel for The City of New York, the mayor, the board of aldermen and each and every officer, board and department of said city, except as otherwise herein provided. The salary of the corporation counsel shall be fifteen thousand dollars a year. The corporation counsel shall have charge and conduct of all the law business of the corporation and its departments and boards, and of all law business in which The City of New York is interested, except as otherwise herein provided. He shall have charge and conduct of the legal proceedings necessary in opening, widening, altering and closing streets, and in acquiring real estate or interests therein for the city by condemnation proceedings, and the preparation of all leases, deeds, contracts, bonds and other legal papers of the city, or of, or connected with, any department, board or officer thereof, and he shall approve as to form all such contracts, leases, deeds, bonds and other legal papers; provided, however, that he shall not institute any proceeding for acquiring title to real estate by condemnation proceedings, except for opening streets, unless the same shall have been approved by the board of estimate and apportionment upon a statement to be furnished said board of the valuation of such real estate as assessed for purposes of taxation; and provided, further, that the board of estimate and apportionment shall have power by a majority vote

to direct such changes to be made in the forms of contracts and specifications as may seem to promote the interests of the city. He shall be the legal adviser of the mayor, the board of aldermen, the presidents of the boroughs and the various departments, boards and officers, except as otherwise herein provided, and it shall be his duty to furnish to the mayor, the board of aldermen, the presidents of the boroughs and to every department, board and officer of the city all such advice and legal assistance as counsel and attorney in or out of court as may be required by them or either of them, and for that purpose the corporation counsel may assign an assistant or assistants to any department that he shall deem to need the same. No officer, board, or department of the city, unless it be herein otherwise especially provided, shall have or employ any attorney or counsel, except where a judgment or order in an action or proceeding may affect him or them individually or may be followed by a motion to commit for contempt of court, in which case he or they may employ and be represented by attorney or counsel at his or their own expense. * * *

BILLS OF COSTS IN CONDEMNATION PROCEEDINGS

Section 265. No bills of costs for fees of commissioners of estimate, or for other expenses in and about special proceedings instituted for the acquisition of the title to lands required by The City of New York for public purposes, shall, unless the same be payable by law from the fund for street and park openings, be taxed by the supreme court prior to the confirmation of the report of the commissioners of estimate appointed in such proceedings.

PRESIDENT; POWERS AND DUTIES

Section 383. The president of a borough shall, by virtue of his office, be a member of the local board of every district of local improvements in his borough, and chairman thereof, entitled to preside at its meetings and to vote as any other member. * * * He shall, within the borough for which he shall have been elected, have cognizance and control:

10. Of the construction, repairs, cleaning and maintenance of public buildings, including markets, except school houses, almshouses, penitentiaries and fire and police station houses, and other buildings whose care and custody are otherwise provided for in this act.

BOARD OF ALDERMEN; FURTHER RESTRICTIONS

Section 418. It shall not be lawful for the board of aldermen to release any contractor with the city or with any of the departments, boards, bureaus or officers thereof, from any fine or penalty incurred under his contract, save

upon the unanimous recommendation of the board of estimate and apportionment. And it shall not be lawful for the board of aldermen to extend the time for the performance of any such contract save upon the unanimous recommendation of the board of estimate and apportionment.

CONTRACTS FOR WORK OR SUPPLIES

Section 419. All contracts to be made or let for work to be done or supplies to be furnished, except as in this act otherwise provided, and all sales of personal property in the custody of the several borough presidents, departments or bureaus, shall be made by the appropriate borough presidents or heads of departments under such regulations as shall be established by ordinance or resolution of the board of aldermen. Whenever any work is necessary to be done to complete or perfect a particular job, or any supply is needful for any particular purpose, which work and job is to be undertaken or supply furnished for the City of New York, and the several parts of the said work or supply shall, together, involve the expenditure of more than one thousand dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance or resolution of the board of aldermen, excepting such works now in progress as are authorized by law or ordinance to be done otherwise than by contract and, unless otherwise ordered by a vote of three-fourths of the members elected to the board of aldermen; and all contracts shall be entered into by the appropriate borough president, and heads of departments, and shall, except as herein otherwise provided, be founded on sealed bids or proposals, made in compliance with public notices, duly advertised in the City Record, and the corporation newspapers, and said notice to be published at least ten days; if a borough president or the head of a department shall not deem it for the interests of the city to reject all bids, he shall, without the consent or approval of any other department or officer of the city government, award the contract to the lowest bidder, unless the board of estimate and apportionment by a three-quarter vote of the whole board, shall determine that it is for the public interest that a bid other than the lowest should be accepted; the terms of such contract shall be settled by the corporation counsel as an act of preliminary specification to the bid or proposal. The bidder whose bid is accepted shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the Comptroller. All bids or proposals shall be publicly opened by the officer or officers advertising for the same, and in the presence of the comptroller, but the opening of the bids shall not be postponed if the comptroller shall, after due notice, fail to attend; if the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five days after written notice that the same has been

awarded to his bid or proposal, or if he accepts but does not execute the contract and give the proper security, it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, it shall be readvertised and relet by the appropriate borough president or the head of the appropriate department in the manner in this section provided. No bid shall be accepted from, or contract awarded to, any person who is in arrears to The City of New York upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the city. Every contract, when made and entered into, as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; together with a copy of the resolution or ordinance of the board of aldermen and the local board and together with the approval of the board of estimate and apportionment wherever the same is required by the provisions of this act, or copies of both, as the case may be, authorizing said work; such copies shall be so filed within five days after the contract shall have been duly executed by the contractor; a receipt for each payment, made on account of or in satisfaction of the same, shall be endorsed on said contract by the party receiving the warrant, which warrant shall be only given to the person interested in such contract, or his authorized representative. No expenditure for work or supplies involving an amount for which no contract is required shall be made, except the necessity therefor be certified to by the appropriate borough president or the head of the appropriate department, and the expenditure has been duly authorized and appropriated.

PROPOSALS TO BE ADVERTISED; DEPOSIT TO ACCOMPANY BID

Section 420. Whenever proposals for furnishing supplies or doing work are invited by advertisement by any department or officer, such department or officer is authorized and directed to require, as a condition precedent to the reception or consideration of any proposal, the deposit with such department or officer of a certified check upon one of the state or national banks of the said city, drawn to the order of the comptroller, or of money; such checks or money to accompany the proposal, to an amount not less than three nor more than five per centum of the amount of the bond required by the department or officer for the faithful performance of the work proposed to be done or supplies to be furnished. Within three days after the decision as to whom the contract is to be awarded, the comptroller shall return all the deposits made to the persons making the same, except the deposit made by the bidder whose bid has been accepted; and if the said bidder whose bid has been accepted shall refuse or neglect, within five days after due notice that the contract has been awarded, to execute the same, or to furnish the required bond, the amount of deposit made by him shall be forfeited to and retained by the said city as liquidated damages for such neglect or refusal, and shall be paid into the

sinking fund of the city, but if the said bidder shall execute the contract and furnish the required bond within the time aforesaid, the amount of his deposit shall be returned to him.

CERTIFICATE OF COMPLETION TO BE FILED

Section 421. It shall be the duty of any borough president, or head of any department, having in charge any work, within five days after the acceptance of such work, to file with the comptroller a final certificate of the completion and acceptance thereof, signed by the chief engineer or head of his department. The filing of such certificate shall be presumptive evidence that such work has been completed according to contract. * * *

COMPTROLLER TO PAY CONTRACTORS

Section 422. When a contract for a public improvement shall have been entered into and a certified copy thereof shall have been filed with the comptroller, in conformity with section four hundred and nineteen of this act, said comptroller is hereby authorized and directed to pay to the contractor or his assigns from time to time as the work progresses, seventy per centum of the estimated value of the work actually done under said contract, until the same shall have been completed. The estimate of the value of any such work shall be signed by the surveyor and also by the chief engineer of the department having the matter in charge, and upon the final completion of any contract, and the filing of the final certificate of completion, the comptroller shall, within thirty days thereafter, or within thirty days after the expiration of the time within which, according to the terms of the contract, the city has to accept such work, pay to the contractor or his assigns, the balance of the amount due under said contract. * * * *

DUTY OF BOARD OF HEALTH AS TO ENFORCEMENT OF LAWS; INFORMATION

Section 1169. It shall be the duty of said board of health to aid the enforcement of, and so far as practicable, to enforce all laws of this state, applicable in said district, to the preservation of human life, or to the care, promotion, or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious, or adulterated drugs, medicines or food, and the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof for The City of New York. And said board is authorized to require reports and information at such times and of such facts, and generally of such nature and extent,

relative to the safety of life and promotion of health as its by-laws or rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers,*and from the proprietors, managers, lessees, and occupants of all theatres and other places of public resort or amusement in said district; but such reports and information shall only be required concerning matters, or particulars, in respect of which, it may, in its opinion, need information, for the better discharge of its duties in said city of New York and every part thereof.

It is hereby made the duty of the officers, institutions, and persons so called on, or referred to, to promptly give such information and make such reports verbally or in writing as may be required by said board.

The board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same, throughout the city, and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village, or town in this state which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply.

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PROCEDURE FOR ACQUIREMENT OF LANDS AND INTERESTS THEREIN

Section 1435. Whenever The City of New York, or any of the departments, including the department of education, boards or officers of the said city government, shall be authorized by law to acquire title to real estate or any tenements, hereditaments, corporeal or incorporeal rights in the same, for any public use or purpose by condemnation, the proceeding for that purpose shall be taken and conducted in the manner prescribed in this title, except as provided in section fourteen hundred and forty-eight of this act.

MAPS TO BE PREPARED; ENTRY ON PREMISES FOR EXAMINATION THEREOF

Section 1436. When any such lands have been selected, and the said department, board or officer has determined to take proceedings for the acquisition of the same, said department, board or officer shall cause two similar surveys, maps, or plans thereof to be prepared, one of which shall be filed in the office of the said department, board or officer, and the other of which shall be filed in the office of the register or county clerk of the county in which the lands are situated; and it shall be lawful for the duly authorized agents of the said department, board or officer, and all persons acting under his or its authority, and by his or its direction, to enter, in the daytime, into and upon any and all lands, tenements, and hereditaments which it

shall be necessary to enter into and upon for the purpose of making such surveys, maps or plans or for the purpose of making such soundings or borings as the said department, board or officer may deem necessary.

**SUBMISSION TO BOARD OF ESTIMATE AND APPORTIONMENT; FILING OF NOTICE
OF PENDENCY OF PROCEEDING**

Section 1436a. It shall be the duty of the department, board or officer which has selected lands as aforesaid to submit the matter to the board of estimate and apportionment, and no further proceedings shall be taken until the acquisition of said lands is approved and authorized by a majority vote of all the members of the said board of estimate and apportionment at a meeting of said board duly called and held. Upon such authorization it shall be the duty of the corporation counsel to file in the office of the clerk of the county where the lands or any part thereof are situated a notice of the pendency of proceedings for the acquisition of said lands. The said notice shall briefly state the object of the proceedings and shall contain a description by metes and bounds of the property affected thereby. It shall also state the names of such of the persons interested as owners or otherwise as may be known to the corporation counsel, and in case any of such persons interested as owners or otherwise are unknown a statement to that effect shall be made in such notice. Such notice, from the time of filing, shall be constructive notice to a purchaser or incumbrancer of the lands affected thereby from or against any person interested as owner or otherwise with respect to whom the notice is directed to be indexed.

**BOARD OF ESTIMATE, ETC., MAY AGREE AS TO PURCHASE PRICE; CONDEMNATION
PROCEEDINGS**

Section 1436b. Said board of estimate and apportionment shall have power and is hereby authorized to agree as to the purchase price of the lands and interests therein selected as aforesaid or any part thereof. If no such agreement is reached, or if any such agreement does not include the whole of the lands and interest therein, the said board shall direct the corporation counsel to institute proceedings for the condemnation of said lands and interest therein or such part thereof in respect to which no agreement has been reached as aforesaid, and thereupon it shall be the duty of the corporation counsel to conduct proper proceedings thereunto in the manner provided in this chapter. When any agreement as to price has been reached as aforesaid the amount agreed upon shall bear interest from the date of said agreement, and the time of vesting title in The City of New York to the lands affected by such agreement shall be the date of the delivery of the deed, and if no time be specified for the delivery of the deed title shall vest upon

the date of the final confirmation of the report of commissioners, as herein-after provided, as to property concerning which no agreement has been reached unless the date of vesting title is fixed by resolution as hereinafter provided.

OWNER OF LANDS MAY SUBMIT WRITTEN OFFER TO CONVEY

Section 1436c. In all cases where the owner of lands selected as aforesaid or any part thereof is not under legal disability to convey title to real property such owner may, at any time before proof of value is submitted to the commissioners of estimate hereinafter provided for, submit a written offer to the board of estimate and apportionment to sell and convey such owner's land or interest therein at a specified price. Such written offer shall not be given in evidence before the commissioners of estimate hereinafter provided for, and must not be considered by them. If such written offer is not accepted before proof of value is submitted to the commissioners of estimate hereinafter provided for, provided ten days shall have lapsed from the time of making such offer, and the compensation awarded thereafter in said proceedings by the commissioners of estimate to such person or owner making such offer exceeds the price specified in such offer such owner making such offer shall be entitled to his taxable costs and disbursements as in an action and in the discretion of the supreme court upon application made at a special term thereof to an additional allowance of a sum of money not exceeding five per centum upon the amount of such offer, but in no event more than two thousand dollars.

APPOINTMENT AND DUTIES OF COMMISSIONERS OF ESTIMATE

Section 1437. After the said maps, plans or surveys shall have been filed, and after the acquisition of the lands and interest therein shall have been authorized by the board of estimate and apportionment, as hereinbefore provided, the corporation counsel, for and on behalf of The City of New York, shall cause notice to be published in the City Record of his intention to make application to the supreme court for the appointment of commissioners of estimate and appraisal, which notice shall specify the time and place of such application, and shall briefly state the object of the application, and shall describe, generally, the lands intended to be taken. Said notice shall be published in ten successive issues of said City Record, and thereafter, upon the completion of such publication, said corporation counsel shall present to the court a petition, signed and verified by the mayor of said city, setting forth the action taken by the department, board or officer, with reference thereto, and the authorization of the proceedings, by a majority vote of all members of the board of estimate and apportionment, the filing of said map,

plan or survey, and of a notice of the pendency of the proceeding, and praying for the appointment of such commissioners of estimate and appraisal. At the time and place mentioned in said notice, unless the said court shall adjourn the said application to a subsequent day, and in that event, at the time and place to which the same may be adjourned, the court, upon due proof to its satisfaction, of the publication of such notice, and upon filing the said petition, shall name three discreet and disinterested persons, being citizens of the United States, all of whom shall be residents of the borough where the property to be taken is located, as commissioners of estimate and appraisal for the purpose of performing the duties hereinafter mentioned. In such order the court shall fix the time and place for a hearing as to the qualifications of the persons named as commissioners. Ten days' notice of the naming or appointment of the commissioners shall be given by the corporation counsel, by mail or otherwise, to such parties, or their attorneys, as may have filed a notice of claim or of appearance in the proceeding, and such notice shall be published in ten successive issues of the City Record. Said notice shall specify the time and place when parties may be heard at a special term of the supreme court, as to the qualifications of the persons named as commissioners of estimate and appraisal. The persons named as commissioners shall attend at the time and place appointed, and may be examined under oath, as to their qualifications to act. They shall be subject to the right of challenge by any person having an interest in said proceedings, upon any ground which would disqualify a judge or juror, and such challenge must be tried and determined by the court, and the determination of the court may be excepted to and reviewed in the manner now prescribed by law in respect to the challenge of jurors. Should the court sustain the challenge to any commissioner, another person must be named or appointed in his stead. The person or persons thus substituted shall be subject to challenge in the same way, as above provided for, to be heard and determined by the court, at such time and place as the court may direct.

DUTIES OF COMMISSIONERS OF ESTIMATE AND APPRAISAL

Section 1437a. The persons finally appointed commissioners of estimate and appraisal, after the trial and determination of any challenge, as hereinbefore provided, shall severally take and subscribe an oath or affirmation as prescribed by the thirteenth article of the constitution of this state, and shall forthwith file the same in the office of the clerk of the supreme court in the judicial district in which said lands are situated, and thereupon it shall be the duty of the said commissioners of estimate and appraisal, after having viewed the said lands, tenements, hereditaments and premises required for public uses and purposes, as above set forth, to make a just and equitable estimate of the loss and damage to the respective owners, lessees, parties or persons respectively entitled to or interested in the said lands, tenements, hereditaments and

premises. But no meeting of such commissioners shall be held at the office of the corporation counsel, or at the office of any party interested in the proceeding, or in the office of the attorney of any such party interested.

REPORTS OF COMMISSIONERS OF ESTIMATE; PRESENTATION THEREOF TO THE
COURT

Section 1438. The said commissioners of estimate and appraisal shall make report of their proceedings to the supreme court, with the minutes of the testimony taken by them, and with the minutes of the proceedings, if any, relating to the challenge of any commissioner, within six months from the date of the filing of their oath, as hereinbefore provided, under penalty of forfeiting all fees to which they would be entitled, unless an extension of time be given to them by the supreme court, which extension shall only be granted in the discretion of the court, upon a written petition containing a full statement by such commissioners, of the reasons necessary for such an extension, and upon notice to the corporation counsel, and to the parties, and their attorneys who have appeared in said proceeding. Upon such application the court shall have power to make such order in the premises in respect to the time and manner of completing the report of such commissioners, and in respect to the taking and submission of the proofs of the parties interested, and the number and length of the hearings to be held in each week as will enable or require the commissioners to complete said proceedings on their part with reasonable dispatch, and if it shall appear that the said proceeding has been delayed, by reason of the inattention, neglect or refusal of said commissioners or any of them, to act or attend, the court may remove the commissioner or commissioners so neglecting or refusing, and appoint a suitable person or persons in his or their place. Said report shall contain a brief description of the several parcels of real estate taken, with a reference to the map, plan or survey, showing the exact location and boundaries of each parcel, a statement of the sum estimated and determined upon by them as a just and equitable compensation to be made by the city, to the owners or persons entitled or interested in each parcel so taken, and a statement of the respective owners or persons entitled thereto or interested therein. But in all and each and every case or cases, where the parties interested, or their respective estates or interests, are unknown or not fully known to the commissioners of appraisal it shall be sufficient for them to set forth and state, in general terms, the respective sums to be allowed and paid to the owners of and parties interested therein, generally, without specifying the names or estates or interests of such owners or parties interested, or any or either of them. After the commissioners shall have offered the parties interested an opportunity to file and make objections as provided for in section fourteen hundred and forty, then

the said report, signed by said commissioners or a majority of them, shall be filed in the office of the department, board or officer, initiating the proceeding, and a duplicate of said report shall be filed in the office of the clerk of the county where the lands are situated, and thereupon the corporation counsel, or in case of his neglect to do so within ten days after such filing, then any person interested in the proceeding shall give notice that the said report will be presented for confirmation to the supreme court, at a special term thereof, to be held in the city of New York, at a time and place to be specified in said notice. The said notice shall contain a statement of the time and place of the filing of the report, and shall be published in ten successive issues of the City Record, immediately prior to the presentation of said report for confirmation, and a copy of said notice shall be served, by mail or otherwise, upon the attorney of each party who may have appeared in said proceeding, at least five days prior to the presentation of said report for confirmation.

HEARING AT SPECIAL TERM ON MOTION TO CONFIRM REPORT; WHEN TITLE TO
VEST IN CITY

Section 1438a. Upon the hearing of the application for the confirmation of the said report, signed by the said commissioners, or a majority of them, the said supreme court at a special term thereof held in and for the judicial district as aforesaid, shall, by order, after hearing any matter which may be alleged against the same, either confirm said report in whole or in part or refer the same back to the same commissioners for revisal and correction, or to new commissioners, to be appointed by the said court, to reconsider the subject-matter thereof, and the said commissioners to whom the said report shall be so referred shall return the said report, corrected and revised, or a new report, to be made by them, as aforesaid, in the premises, to the said court, without unnecessary delay, and the same on being so returned shall be confirmed or again referred by the said court, as justice shall require, and such report when confirmed by said court, in whole or in part, shall be final and conclusive, as well upon the said city and the said department or board as upon the owners, lessees, persons and parties interested in and entitled to the lands, tenements, hereditaments and premises mentioned in said report, and also upon all other persons whomsoever. And on the final confirmation of said report, the said City of New York, except as hereinafter provided, shall become and be seized, in fee simple absolute, of the lands included in said report, the same to be converted, appropriated and used to and for the purposes for which the same shall be acquired accordingly. And thereupon the said city, acting by and through the department or board instituting and having charge of said proceeding, shall immediately take possession of the same, without any suit or proceedings at law for that purpose, and all leases and other contracts

in regard to the said lands so taken, or any part thereof, and all covenants, contracts or engagements between landlords and tenants, or any other contracting parties, shall, upon the confirmation of such reports respectively, cease and determine and be absolutely discharged according to law.

ORDER OF CONFIRMATION; DUTY OF CORPORATION COUNSEL TO ENTER

Section 1438b. It shall be the duty of the corporation counsel, within ten days after the entry of the order confirming the report of the commissioners, in a proceeding authorized by this chapter to file a copy of such order or report in the office of the register or county clerk of the county in which the land to be acquired is located. There shall be endorsed upon such copy order or report a reference to the section and block or the sections and blocks on the land map of such county which include the land to be taken by such proceeding. The register or county clerk with whom such copy order or report shall be filed shall index in the index of conveyances on each block so endorsed on the said copy order or report, a statement giving the title of said proceeding and the date of the entry of said order confirming said report.

WHEN TITLE MAY BE VESTED BY RESOLUTION

Section 1439. Should the board of estimate and apportionment by a resolution adopted by a three-fourths vote deem it for the public interest that the title to the lands and premises, or any interest therein, required for any public improvement or for any public purpose and acquired hereunder, should be acquired by The City of New York at a fixed or specified time, the said board of estimate and apportionment may direct, by resolution passed before or after the application to the court for the appointment of commissioners of estimate, made under section fourteen hundred and thirty-seven of this act, that at a date specified in such resolution after the filing of the oaths of said commissioners, the title to any piece or parcel of land, or to any interest therein, to be taken or acquired in the said proceeding, shall vest in The City of New York. Provided, however, that where there are buildings upon such lands such date of vesting title must be at least six months after the filing of the oath of the commissioners if the resolution for vesting title be passed before the appointment of commissioners, and if such resolution be passed after the appointment of commissioners the date of vesting title must be at least two months after the passing of such resolution. At the date so fixed as aforesaid the said City of New York shall become and be seized in fee of said lands, tenements and hereditaments and all interests therein in said resolution mentioned, that shall or may be acquired as aforesaid, the same to be held appropriated, converted and used to and for the purposes for which the said proceeding is instituted. In such cases interest at the legal rate upon

the sum or sums to which the owners, lessees, parties or persons interested in the said real estate or interests therein are justly entitled upon the date of the vesting of title in The City of New York, as aforesaid, from said date to the date of the payment of the award made to such owners, lessees, parties or persons in interest shall be paid as hereinafter set forth. And upon the vesting of said title, the said city, acting by and through the said department, board or officer conducting said proceeding, shall immediately take possession of the lands included in the same and the interests thereby affected, without any suit or proceeding at law for that purpose. And all leases and other contracts in regard to said lands so taken, or any part thereof, and all covenants, contracts or engagements between landlords and tenants or any other contracting parties shall, upon the vesting of said title, respectively cease and determine and be discharged according to law.

NOTICE OF DEPOSIT AND PRESENTATION OF REPORT; PAYMENT OF AWARDS WITH INTEREST

Section 1440. The said commissioners of estimate, before they present their report to the supreme court, shall deposit a true report or transcript of such estimate in the office of the department, board or officer conducting such proceeding, for the inspection of whomsoever it may concern, and shall give daily notice by advertisement in the City Record and the corporation newspapers, and also, at the option of the corporation counsel, in other newspapers, not exceeding three in number, published in said City of New York, for ten days, Sundays and holidays excluded, after depositing such report, of the said deposit thereof in said office, and any person or persons whose rights may be affected thereby, and who may object to the same, or any part thereof, may, within ten days after the first publication of such notice, set forth their objections to the same in writing to the said commissioners, who shall, after hearing the parties so objecting, thereupon reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. The City of New York shall, within two calendar months after the confirmation of the said report, pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor, respectively, with lawful interest from the date of the report of said commissioners, or if title to said lands shall have vested in the city under section fourteen hundred and thirty-nine of this act, from the date of said vesting; and in default thereof said persons or parties, respectively, his, her, or their respective heirs, executors, administrators, successors or assigns, may, at any time or times after application first made, by him, her, or them to the comptroller of The City of New York for payment thereof, sue for and recover the same with lawful interest, as aforesaid, and the costs

of suit. Upon any application to said comptroller the applicant may state that any outstanding taxes, assessments or other liens may be deducted from the amount otherwise payable to him or her, and in that event the fact that there are outstanding taxes, assessments or other liens shall not impair or invalidate such application nor operate as a bar to the collection of interest upon the amount awarded less the amount of such outstanding taxes, assessments or other liens.

OWNERS UNKNOWN, INFANTS, OR OF UNSOUND MIND

Section 1441. Whenever the owners and proprietors of any lands, tenements, hereditaments and premises to be taken for any of the purposes aforesaid, or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons, in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, non compos mentis, or absent from The City of New York; and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments or premises that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in said report; or when the said owners, parties or persons respectively, being named therein, cannot, upon diligent inquiry, be found, it shall be the duty of the said City of New York to pay the sum or sums mentioned in the report as payable, or that would be coming to such owners, proprietors, parties and persons respectively, into the supreme court, to be secured, disposed of, invested and paid out, as the appellate division of the supreme court, in said judicial district, shall direct; and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively, themselves, according to their just rights, if they had been known, and had all been present, of full age, compos mentis; and in default of such payment by The City of New York it shall be and remain liable for the amount due to such owners, proprietors, parties and persons with lawful interest thereon, from the day upon which the title vested in said city; and provided, also, that in all and each and every case or cases, where any such sum or sums or compensation, so to be reported by said commissioners in favor of any person or persons, party or parties whatsoever, whether named or not named in said report, shall be paid to any person or persons, party or parties whatsoever, when the same shall of right belong to and ought to have been paid to some other person or persons, party or parties, it shall be lawful for the person or persons, party or parties to whom the said sum or sums ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use, by the person or persons, party or parties, respectively, to whom the same shall have been so

paid. Payment of the compensation awarded by said commissioners of estimate to the persons named in their report (if not infants or persons of unsound mind) shall, in the absence of notice to the comptroller of The City of New York of adverse claims thereto, protect said city. The said commissioners of estimate shall include and set forth in their report the names of the respective owners, lessees, parties and persons entitled unto or interested in said report, and each and every part and parcel thereof, as far as the same shall be ascertained by them, and add a designation and description of such respective lands and parcels of land aforesaid, and also the several respective sums estimated as and for the compensation and recompense or allowance to be made for the loss and damage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments and premises respectively, and for the loss and damage of the respective owners of the leasehold estate, or their interest therein, separately. And the said commissioners shall also include in said report the amount of their fees and all costs and disbursements for expenses of surveys, maps and other things.

APPEAL

Section 1442. Within twenty days after notice of the confirmation of the report of the commissioners as provided for in section fourteen hundred and thirty-eight-a of this act, any party interested and deeming himself or themselves aggrieved may appeal by notice in writing to the other party, to the appellate division of the supreme court in said judicial district from the appraisal and report of the commissioners. Such appeal shall be heard on due notice thereof, being given, according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal and determination of any question passed upon, by the same or new commissioners, in its discretion, but from any determination of the special term, an appeal may be taken upon the merits to the said appellate division of said court, and from any determination of the said appellate division any party, if aggrieved, may take an appeal to the court of appeals, but only as to a question affecting the principle of the assessment of damages by the said commissioners, or a question relating to the challenge of a commissioner, or to the conduct of the said commissioners or any of them indicating impropriety, bias, neglect or other disqualification. An appeal may be taken to the court of appeals as provided for in section nine hundred and eighty-nine of the Greater New York Charter. In the case of a new appraisal the second report shall be filed and notice thereof given, and such review, upon appeal or otherwise, be had as in the case of an original report, and so, from time to time, until a report shall be presented which the said court at special term shall finally affirm, and shall be affirmed upon appeal, should any appeal be taken. But the taking of an appeal by any person or persons shall not operate to stay the proceedings under this title

except as to the particular parcel of real estate with which the said appeal is concerned. Such appeal shall be heard upon the evidence taken before such commissioners and any affidavits as to irregularities.

REMOVAL, ETC., OF COMMISSIONERS OF ESTIMATE

Section 1443. In case of death, resignation, insanity, disqualification, refusal or neglect to act, or removal of any such commissioner of estimate appointed as in this chapter provided, it shall and may be lawful for the court aforesaid, at a special term thereof, held in the judicial district as aforesaid, on the application of the department or board of The City of New York, conducting said proceeding, as often as such event may happen, to appoint a discreet and disinterested person, being a citizen of the United States and a resident of the borough where the property to be taken is located in the place and stead of such commissioner so dying, resigning, becoming insane or disqualified, refusing or neglecting to act, or removed, and the surviving commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment until the successor of the commissioner so dying, becoming insane, resigning, being disqualified, neglecting or refusing to act, or removed, shall be appointed. Ten days' notice of said application shall be given to all parties who have appeared in the proceeding. Such successor appointed as aforesaid shall possess the same qualifications and be subject to challenge upon the same grounds and in the same general manner as hereinbefore provided for; and the time and place for such challenge shall be specified in the order appointing such successor.

POWERS OF COMMISSIONERS AND OF A MAJORITY THEREOF; FEES, EXPENSES

Section 1444. In each and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of such commissioners, so appointed as aforesaid, to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners if they had acted together would have been; and, further, in all cases, the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises shall be as valid, binding and effectual as if the said commissioners named and appointed for such purposes had all concurred and joined therein. In the said proceedings any of the said commissioners of estimate may issue subpoenas and administer oaths to witnesses. Each commissioner appointed under and by virtue of this chapter, who shall enter upon the duties of his appointment, shall be entitled to receive upon the confirmation of the report or other determination of the proceeding, not exceeding ten dollars for each day upon which he attends a meeting of said commissioners and is actually

and necessarily employed in the performance of the duties imposed upon them by this act at the offices provided for said commissioners or at a meeting of the commissioners to view the premises, besides all reasonable expenses, to be taxed and allowed by said court for maps, surveys, clerk hire and other necessary expenses and disbursements, and the same shall be included in, considered and paid as part of the expenses of acquiring the lands or interest therein for the acquirement of which the said proceeding is instituted.

AMENDMENTS OF DEFECTS

Section 1445. The special term of the supreme court in the judicial district, as aforesaid, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this chapter that may be necessary, or to permit any person having an interest therein to be made a party thereto, or to relieve from any default, mistake or irregularity, or to direct such further notices to be given to any party in interest as it deems proper. And the said court may, at any time remove any of said commissioners of estimate who, in its judgment, shall be incapable of serving, or who shall, for any reason in its judgment, be an unfit person to serve as commissioner. The cause of such removal shall be specified in the order making the same. If in any particular it shall at any time be found necessary to amend any pleading, proceeding, or to supply any defect therein arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such a manner as shall be directed by the said special term of the supreme court, which is hereby authorized to make such amendment or correction.

CORPORATION COUNSEL TO APPEAR AND PROTECT INTERESTS OF THE CITY. COMPTROLLER TO FURNISH CLERKS AND OFFICES

Section 1446. The corporation counsel shall, either in person, or by such counsel as he shall designate for the purpose, appear for and protect the interests of the city in all such proceedings in court and before the commissioners of estimate. It shall be the duty of the comptroller of The City of New York to furnish the commissioners of estimate and appraisal who may be appointed in any proceeding provided for in this chapter such necessary clerks and other employes and to provide such suitable offices as they may require to enable them to fully and satisfactorily discharge the duties imposed upon them.

SOURCE OF PAYMENT OF AWARDS AND EXPENSES

Section 1447. The amounts of the awards made in a proceeding brought under this chapter for the value of lands and interests therein taken hereunder,

shall be paid out of the fund created by the act, ordinance or resolution authorizing the acquirement of the said lands or interests therein, and the money for the payment thereof, together with the fees of the commissioners of estimate, the compensation of such necessary clerks or assistants as they may employ, and all other necessary expenses in and about the special proceeding instituted under this chapter, including the fees of counsel employed by the corporation counsel in the proceeding, and all other reasonable expenses incurred by said corporation counsel in the conduct of said proceedings, shall be also paid out of the said fund so provided. Such fees and expenses shall not be paid until they have been taxed at a special term of the supreme court in the judicial district as aforesaid, upon five days' notice to the corporation counsel of The City of New York. Upon such taxation due proof of the nature and extent of the services rendered and disbursements charged shall be furnished and no unnecessary costs or charges shall be allowed. All such costs, fees and expenses or disbursements to be taxed, as aforesaid, shall be stated in detail in the bill of costs and charges and expenses, and shall be accompanied by such proof of the reasonableness and necessity thereof, as is now required by law and the practice of the said court upon taxation of costs and disbursements in other special proceedings or actions in said court. The said proof shall be made by a statement duly verified in which shall be set forth in addition to other matters required by law and practice the respective dates of the rendition of services, and in the case of commissioners, and of any clerks who may receive a per diem allowance, the number of hours or the time necessarily occupied upon each of such respective dates. And no such claim for compensation shall be taxed, allowed or paid unless it be accompanied by a certificate of the comptroller of the city of New York setting forth that the same has been audited and examined, and further certifying the result of such audit and examination.

WHAT PROCEEDINGS EXCEPTED FROM PROVISIONS OF THIS CHAPTER

Section 1448. The provisions of this chapter shall not apply to any proceedings for the purpose of opening any streets, avenues or public places, parks or parkways, or to any proceedings for the improvement of or in connection with the water supply of The City of New York, or for the acquisition of lands for sewers or drains as provided in section three hundred and ninety-six of this act, or for the acquisition of wharf property for the improvement of the water-front of said city, or to any proceedings, of any nature, instituted prior to the time of the taking effect of this act, and such proceedings shall be conducted in all respects as if this act had not been passed.

CITY RECORD, BOARD OF; PUBLICATION AND CONTENTS; NEWSPAPERS TO BE DESIGNATED IN WHICH CORPORATE NOTICES TO BE ADVERTISED

*Section 1526. There shall be published daily, Sundays and legal holidays excepted, under a contract to be made as hereinafter provided, a paper to be known as the City Record. And said City Record, and the newspapers now by law designated as corporation newspapers in the present city of Brooklyn, shall be the only papers to be included within the term corporation newspapers as the same is used anywhere in this act; but no notice or advertisement shall be inserted in any of said newspapers now by law designated as corporation newspapers in said city of Brooklyn, except such as respect matters occurring within or relating to the borough of Brooklyn exclusively, and the aggregate amount to be paid to said newspapers now designated by law as corporation newspapers, in said city of Brooklyn, for the publication of all advertisements provided for by this act, shall never exceed in any year, the sum now agreed to be paid to said newspapers annually by said city of Brooklyn. The mayor, corporation counsel and comptroller shall constitute the board of city record. Said board, by a majority vote, shall appoint a proper person together with such assistants as may be required, to supervise the preparation and publication of the same, and they shall also fix the rates of compensation of said supervisor and his assistants. All the expenses connected with its publication and distribution, except the salary of the person appointed to supervise the same, and the salaries of his assistants, shall be covered by a contract for printing, to be made in the same manner as other contracts. The board of estimate and apportionment shall provide for all the necessary expenses of conducting the said City Record. There shall be inserted in said City Record nothing aside from such official matters as are expressly authorized. The contract for the publication of the City Record shall provide for furnishing, free of charge, to the city of New York, not more than two thousand copies thereof; also for a gratuitous distribution to every newspaper regularly printed in the city of New York, when it shall apply for the same, of two copies, and to every public library or public institution in said city which shall apply for the same, of one copy. Copies of the same shall be sold by the supervisor at a price to be fixed by the officers making the contract, and the proceeds thereof shall be paid over to the city. All advertising required to be done for the city, except as in this act otherwise specially provided, and all notices required by law or ordinances to be published in corporation papers, shall be inserted, at the public expense, only in the City Record, and a publication therein shall be a sufficient compliance with any law or ordinance requiring publication of such matters or notices; but there may be inserted in two morning and two evening, and two

*As amended by Chapter 715 of the Laws of 1901.

weekly or semi-weekly papers published in the English language, and in one paper published in the German language, all in said city to be designated at any time by said board of city record, brief advertisements, calling attention to any contracts intended to be awarded or bonds to be sold, and referring for full information to said City Record; said designation of such newspapers to continue in effect until another or different designation shall be made by said board. Where such notices and advertisements respect matters occurring within or relating to the borough of Brooklyn, they shall also be published in such newspapers as are now by law designated as corporation newspapers in the city of Brooklyn, the rates of payments therefor, not to exceed the compensation now paid to said newspapers for like advertisements in the city of Brooklyn or county of Kings. In case, however, of the sale of bonds or stocks of said city or of any real estate belonging to the city, such advertisements may be also inserted in such other newspapers published in said city as said board may determine in the case of each sale. But nothing herein contained shall prevent the publication elsewhere of any advertisement required by law; provided, however, that no such publication shall be made unless the same is authorized by concurrent vote of the members of said board. No money shall be paid from the city treasury, and no action shall be maintained and no judgment obtained against the city of New York, as constituted by this act, for any advertising done after April thirtieth, eighteen hundred and seventy-three, except such as is therein authorized or such as at the time this act takes effect is a lawful charge against a municipal or public corporation or part thereof, hereby consolidated with the mayor, aldermen and commonalty of the city of New York. The copies of the City Record furnished to the city shall be distributed to the several departments and officers, and to such persons and in such manner as the board of city record shall direct. The comptroller shall cause a continuous series of the City Record to be bound as completed quarterly, and to be deposited with his certificate thereon, in the office of the register of deeds of the county of New York, in the county clerk's office of said county, and in the office of the city clerk, and copies of the contents of any part of the same, certified by such register, county clerk, or city clerk, shall be received in judicial proceedings as prima facie evidence of the truth of the contents thereof.

PRINTING AND STATIONERY TO BE SUPPLIED BY CONTRACT; CITY RECORD TO
PRINT CERTAIN MATTERS

Section 1528. * * * There shall be published in the City Record within the month of January and within the month of July in each year a list of all the officials and employes employed in any of the departments, bureaus or offices of the city government, and of the counties therein con-

tained, who have been or have become such officials or employees during the preceding six months. Said list shall contain the name, residence by street numbers, nature of position or service, date of entrance into the service or employment, date of cessation of such service or employment, if such has occurred during said period, salary or wages, and a distinct statement of the increase or decrease thereof during said period of each of said officials or employees. All changes of such officials or employees, or the amount of their salaries, with a distinct statement of the increase or decrease thereof, shall be so published within one week after they are made. It shall be the duty of all heads of departments or bureaus, or offices not in a department, to furnish to the person appointed to supervise the publication of the City Record, everything required to be inserted therein. It shall be the duty of the said person appointed to supervise the publication of the City Record, on or before the first days of February and August respectively in each year, to certify to the comptroller that the several lists so required to be furnished have been furnished to him by said heads of department, bureaus, or offices, and the comptroller is hereby forbidden to pay the salary of any such head of department, bureau or office who has not furnished such list until the receipt by said comptroller of such certificate. The said person shall have the power to make requisitions in writing upon the heads of departments to furnish the information necessary to make up such list according to the rules prescribed by him and approved by the board of city record; and such information must be supplied by the department within ten days after such requisition. He shall have power to require such information in the same manner, every three months, and all other information in the control of said heads of departments, necessary to perform his duties, under this section. He shall include in his list the number of laborers, designating the department in which they are employed, and, if practicable, the numbers employed in the prosecution of specific works, and the amounts paid to them. He shall also cause to be printed in each issue of said City Record a separate statement of the hours during which all public offices in the city are open for business, and at which each court regularly opens and adjourns, as well as of the places where such offices are kept and such courts are held. * * *

OFFICERS; NOT TO BE INTERESTED IN CONTRACTS

Section 1533. No member of the board of aldermen, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation, shall be or become interested, directly or indirectly, as contracting party, partner, stockholder or otherwise, in or in the performance of any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is payable from the city treasury, or by any assessment levied by any act or ordinance of the board of aldermen; or in the purchase or lease

of any real estate or other property belonging to or taken by the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the said corporation. If any person in this section mentioned shall, during the time for which he was elected or appointed, knowingly acquire an interest as above described in any contract or work with the city, or any department or officer thereof, unless the same shall be devolved upon him by law, he shall, on conviction thereof, forfeit his office, and be punished for a misdemeanor. All such contracts in which any such person is or becomes interested as above described shall, at the option of the comptroller, be forfeited and void. No person in this section named shall give, or promise to give, any portion of his compensation, or any money or valuable thing, to any officer of the city, or to any other person, in consideration of his having been or being nominated, appointed, elected, or employed as such officer, agent, clerk or employe, under the penalty of forfeiting his office and being forever disqualified from being elected, appointed, or employed in the service of the city, and shall, on conviction, be punished for a misdemeanor.

MAJORITY OF BOARDS OF DEPARTMENTS; QUORUM; POWERS

Section 1541. A majority of the members of a board in any department of the city government, and also of the board for the revision of assessments, shall constitute a quorum to fully perform and discharge any act or duty authorized, possessed by, or imposed upon any department or any board aforesaid, and with the same legal effect as if every member of any such board aforesaid had been present, except as herein otherwise specially provided. Each board may, except as herein otherwise provided, choose, in its own pleasure, one of its members, who shall be its president, and one who shall be its treasurer, and may appoint a chief clerk or secretary. No expense shall be incurred by any of the departments, boards or officers thereof, unless an appropriation shall have been previously made covering such expense, nor any expense in excess of the sum appropriated in accordance with law.

EXPENSES NOT TO EXCEED APPROPRIATION

Section 1542. It shall be the duty of the heads of all departments and of all officers of said city, and of all boards and officers charged with the duty of expending or incurring obligations payable out of the moneys raised by tax in said city, or any of the counties contained within its territorial limits, so to regulate such expenditures for any purpose or object, that the same shall not in any one year exceed the amount appropriated by the board of estimate and apportionment for such purpose or object; and no charge, claim or liability shall exist or arise against said city, or any of the counties contained within its territorial limits, for any sum in excess of the amount appropriated for the several purposes. * * *

HEADS OF DEPARTMENTS; CONTROL OVER SUBORDINATES; REMOVAL

Section 1543. The heads of all departments and all borough presidents (except as otherwise specially provided) shall have power to appoint and remove all chiefs of bureaus (except the chamberlain), as also all clerks, officers, employees and subordinates in their respective departments, except as herein otherwise specially provided, without reference to the tenure of office of any existing appointee. But no regular clerk or head of a bureau, or person holding a position in the classified municipal civil service subject to competitive examination, shall be removed until he has been allowed an opportunity of making an explanation; and in every case of a removal, the true grounds thereof shall be forthwith entered upon the records of the department or board or borough president, and a copy filed with the municipal civil service. In case of removal, a statement showing the reason therefor shall be filed in the department. The number of all officers, clerks, employees, laborers and subordinates in every department shall be such as the heads of the respective departments and borough presidents shall designate and approve, not exceeding the number limited by any ordinance of the board of aldermen. The duties of all such officers, clerks, employees, laborers and subordinates shall be such as the heads of the respective departments and borough presidents shall designate and approve, subject to the provisions of law and to the ordinances of the board of aldermen. The salaries or wages of all such officers, clerks, employees, laborers and subordinates in every department shall be such as shall be fixed by the board of aldermen upon the recommendation of the board of estimate and apportionment in the manner provided in this act. Any head of department or borough president, may, with the consent of the board of estimate and apportionment, consolidate any two or more bureaus established by law, and may change the duties of any bureau; and it shall be the duty of the head of the finance department to bring together all officers and bureaus authorized to receive money for taxes, assessments or arrears, in such manner that the payment of the same can be made, as nearly as practicable, at one time and place, and in one office. Every head of department or borough president, and every officer of any of the counties contained within the territorial limits of The City of New York, is empowered to make ratable deductions from the salaries and wages of the employees and subordinates of his department or office on account of absences from duty without leave; provided, however, that nothing contained in this section shall affect departments or officers as to which other provision is made by this act for deductions for absences or disciplinary fines and penalties. Whenever in any department or institution an office, position or employment is abolished, or made unnecessary through the operation of this act, or in any other manner, or whenever the number of offices, positions or employments of a certain character is reduced, the person or persons legally holding

the office or filling the position or employment thus abolished or made unnecessary shall be deemed to be suspended without pay, and shall be entitled to reinstatement in the same office, position or employment, or in any corresponding or similar office, position or employment, if within one year thereafter there is need for his or their services. Whenever such offices, positions or employments are abolished or made unnecessary, it shall be the duty of the head of the department or institution to furnish the names of the person or persons affected to the municipal civil service commission, with a statement in the case of each of the date of his original appointment in the service. It shall be the duty of the municipal civil service commission forthwith to place the names of said persons upon a list of suspended employes for the office, or position or for the class of work in which they have been employed, or for any corresponding or similar office, position or class of work, and to certify the said persons for reinstatement, in the order of their original appointment, before making certifications from any other list. The failure of any person on any such list for reinstatement to accept, after reasonable notice, an office or position in the same borough and at the same salary or wages as the position formerly held by him shall be held to be a relinquishment of his right to reinstatement as herein stated.

ID.; TO RENDER REPORTS; PUBLICATION

Section 1544. The said departments, borough presidents and all commissioners appointed by the mayor, pursuant to the provisions of this act, and not constituting heads of departments, shall once in three months, and at such other times as the mayor may direct make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, which reports shall be published in the City Record. The said departments, borough presidents, and commissioners shall always, when required by the mayor, furnish to him such information as he may demand, within such reasonable time as he may direct.

ID.; TO FURNISH COPIES OF PAPERS ON DEMAND

Section 1545. The heads of all departments, except the police and law departments, and the chiefs of each and every bureau of said departments, or any of them, except the police and law departments and all borough presidents, shall, with reasonable promptness, furnish to any taxpayer desiring the same, a true and certified copy of any book, account or paper kept by such department, bureau or officer, or such part thereof as may be demanded, upon payment in advance of five cents for every hundred words thereof by the person demanding the same. All books, accounts and papers in any department or bureau thereof, except the police and law departments, shall

at all times be open to the inspection of any taxpayer, subject to any reasonable rules and regulations in regard to the time and manner of such inspection as such department, bureau or officer may make in regard to the same, in order to secure the safety of such books, accounts and papers, and the proper use of them by the department, bureau or officer; in case such inspection shall be refused, such taxpayer, on his sworn petition, describing the particular book, account or paper that he desires to inspect, may, upon notice of not less than one day to such department, bureau or officer, apply to any justice of the supreme court for an order that he be allowed to make such inspection as such justice shall by his order authorize, and such order shall specify the time and manner of such inspection.

RECORDS TO BE KEPT AND ABSTRACTS PUBLISHED

Section 1546. In every department, office of a borough president or board there shall be kept a record of all its transactions, which shall be accessible to the public, and once a week a brief abstract, omitting formal language shall be made of all transactions, and of all contracts awarded and entered into for work and material of every description, which abstracts shall contain the name or names and residences by street and number, of the party or parties to the contract, and of their sureties, if any. A copy of such abstract shall be promptly transmitted to the person designated to prepare the City Record, and shall be published therein. Notice of all appointments and removals from office, and all changes of salaries, shall in like manner, within one week after they are made, be transmitted to and published in the City Record.

CERTIFICATES OF APPOINTMENTS

Section 1547. Every person who shall be appointed or elected to any office under the said city shall receive a certificate of appointment, designating the term for which such person has been appointed or elected.

OFFICIAL OATH

Section 1548. Every person elected or appointed to any office under the city government shall, within five days after notice of such election or appointment, take and subscribe, before the mayor or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filed in the office of the city clerk.

OFFICER NOT TO HOLD ANY OTHER CIVIL OFFICE

Section 1549. Any person holding office, whether by election or appointment, who shall, during his term of office, accept, hold, or retain any other

civil office of honor, trust, or emolument under the government of the United States (except commissioners for the taking of bail, or register of any court), or of the state (except the office of notary public or commissioner of deeds, or officer of the national guard), or who shall hold or accept any other office connected with the government of The City of New York, or who shall accept a seat in the legislature, shall be deemed thereby to have vacated any office held by him under the city government. No person shall hold two city or county offices, except as expressly provided in this act; nor shall any officer under the city government hold or retain an office under the county government, except the office of supervisor, or when he holds such office ex officio, by virtue of an act of the legislature; and in such case shall draw no salary for such ex officio office.

**MONEY NOT TO BE PAID TO SECTARIAN SCHOOLS; PUBLIC PROPERTY; HOW
DISPOSED OF**

Section 1552. No money belonging to the city raised by taxation upon the property of the citizens thereof, shall be appropriated in aid of any religious or denominational school, neither shall any property, real or personal belonging to said city, be disposed of to any such school, except upon the sale thereof at public auction, after the same has been duly advertised, at which sale such school shall be the highest bidder, and upon payment of the sum so bid into the city treasury; neither shall any property belonging to the city be leased to any school under the control of any religious or denominational institution, except upon such terms as the city property may be leased to private parties after the same has been duly advertised.

PATENTED ARTICLES; HOW SUPPLIED

Section 1554. Except for repairs no patented pavement shall be laid and no patented article shall be advertised for, contracted for or purchased, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the board of estimate and apportionment.

RESPONSIBLE GUARANTY COMPANY MAY ACT AS SURETY

Section 1557. Wherever this act provides for the giving of an official bond with surety or sureties, such surety or sureties may consist of a responsible guaranty company, provided the same shall be satisfactory to, and be approved by, the officer or officers, or body whose duty it is to approve such bond or sureties.

TENURE OF OFFICE

Section 1558. All officers elected or appointed under this act shall, unless otherwise expressly provided and unless sooner removed, hold their respective offices until their successors are respectively elected or appointed and have qualified.

PENSIONERS NOT TO HOLD OFFICES, ETC.

Section 1560. No person now receiving or who may hereafter receive any pension from The City of New York or any of the departments thereof, or out of any fund under said city or any of its departments, shall hold any office, employment or position under The City of New York or any of the counties included within said city. Any officer, subordinate or employee of said city or any of its departments or any of the counties included within said city now in receipt of any such pension shall forthwith forfeit such office, position or employment.

ACTS APPLICABLE TO THE CITY OF NEW YORK

Section 1610. All the provisions of all acts of the legislature of the state of New York, including said consolidation act of eighteen hundred and eighty-two, of a general and permanent character, relating to the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, in force at the time this act goes into effect, which are consistent with this act and its purposes, and which are not revised and included in or the subject matter thereof covered by this act, are hereby extended to The City of New York as herein constituted, so far as they are consistent with this act, and are not in their nature locally inapplicable to other portions of the city than the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York. And the provisions of law thus extended to The City of New York as herein constituted shall apply to said city throughout its whole extent, anything to the contrary notwithstanding contained in the charter of any of the municipal or public corporations or laws relating thereto, which are by this act united and consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York.

COMPULSORY EDUCATION LAW

CHAPTER 671, LAWS OF 1894, AS AMENDED BY CHAPTER 988, LAWS OF 1895,
CHAPTER 606, LAWS OF 1896, AND CHAPTER 459, LAWS OF 1903

CHAPTER 671, LAWS OF 1894

AN ACT TO PROVIDE FOR THE COMPULSORY EDUCATION OF CHILDREN

Became a law May 12, 1894, with the approval of the Governor. Passed,
three-fifths being present.

The People of the State of New York, represented in Senate and Assembly,
do enact as follows:

Section 1. Short title.—This chapter shall be known as the compulsory
education law.

Section 2. Definitions.—When used in this act, the term school authorities
means the trustees, or board of education, or corresponding officers, whether
one or more, and by whatever name known, of a city, union free school district,
common school district, or school district created by special law; the term
persons in parental relation to a child, includes the parents, guardians or other
persons, whether one or more, lawfully having the care, custody or control of
such child. A child under sixteen years of age, required by the persons in
parental relation to such a child to attend upon lawful instruction at a
school or elsewhere, upon which such child is entitled to attend, is lawfully
required to attend such school. A child between eight and sixteen years of
age, who is required by law to attend upon instruction, and is required by the
persons in parental relation to such child to attend upon lawful instruction at
school or elsewhere upon which such child is entitled to attend, is lawfully
required to attend upon such instruction, and if not required by the persons in
parental relation to such child to attend upon any instruction, is lawfully
required to attend a public school.

*Section 3. Required attendance upon instruction.—Every child between
eight and sixteen years of age, in proper physical and mental condition to
attend school, shall regularly attend upon instruction at a school in which at
least six common school branches of reading, spelling, writing, arithmetic,

*As amended by section 1, chapter 606, laws of 1896, and by section 21,
chapter 459, laws of 1903.

TENURE OF OFFICE

Section 1558. All officers elected or appointed under this act shall, unless otherwise expressly provided and unless sooner removed, hold their respective offices until their successors are respectively elected or appointed and have qualified.

PENSIONERS NOT TO HOLD OFFICES, ETC.

Section 1560. No person now receiving or who may hereafter receive any pension from The City of New York or any of the departments thereof, or out of any fund under said city or any of its departments, shall hold any office, employment or position under The City of New York or any of the counties included within said city. Any officer, subordinate or employe of said city or any of its departments or any of the counties included within said city now in receipt of any such pension shall forthwith forfeit such office, position or employment.

ACTS APPLICABLE TO THE CITY OF NEW YORK

Section 1610. All the provisions of all acts of the legislature of the state of New York, including said consolidation act of eighteen hundred and eighty-two, of a general and permanent character, relating to the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, in force at the time this act goes into effect, which are consistent with this act and its purposes, and which are not revised and included in or the subject matter thereof covered by this act, are hereby extended to The City of New York as herein constituted, so far as they are consistent with this act, and are not in their nature locally inapplicable to other portions of the city than the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York. And the provisions of law thus extended to The City of New York as herein constituted shall apply to said city throughout its whole extent, anything to the contrary notwithstanding contained in the charter of any of the municipal or public corporations or laws relating thereto, which are by this act united and consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York.

COMPULSORY EDUCATION LAW

CHAPTER 671, LAWS OF 1894, AS AMENDED BY CHAPTER 988, LAWS OF 1895,
CHAPTER 606, LAWS OF 1896, AND CHAPTER 459, LAWS OF 1903

CHAPTER 671, LAWS OF 1894

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means the trustees, or board of education, or corresponding officers, whether
one or more, and by whatever name known, of a city, union free school district,
common school district, or school district created by special law; the term
persons in parental relation to a child, includes the parents, guardians or other
persons, whether one or more, lawfully having the care, custody or control of
such child. A child under sixteen years of age, required by the persons in
parental relation to such a child to attend upon lawful instruction at a
school or elsewhere, upon which such child is entitled to attend, is lawfully
required to attend such school. A child between eight and sixteen years of
age, who is required by law to attend upon instruction, and is required by the
persons in parental relation to such child to attend upon lawful instruction at
school or elsewhere upon which such child is entitled to attend, is lawfully
required to attend upon such instruction, and if not required by the persons in
parental relation to such child to attend upon any instruction, is lawfully
required to attend a public school.

*Section 3. Required attendance upon instruction.—Every child between
eight and sixteen years of age, in proper physical and mental condition to
attend school, shall regularly attend upon instruction at a school in which at
least six common school branches of reading, spelling, writing, arithmetic,

*As amended by section 1, chapter 606, laws of 1896, and by section 21,
chapter 459, laws of 1903.

English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, as follows: Every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service, and every such child between eight and fourteen years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides shall be in session during the same period. Every boy between fourteen and sixteen years of age, who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents of the university of the state of New York or the certificate of the completion of an elementary school issued by the department of public instruction, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week for a period of not less than sixteen weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

*Section 4. Duties of persons in parental relation to children.—Every person in parental relation to a child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction, or shall present to the school authorities of his city or district proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, and for each subsequent offense by a fine not exceeding fifty dollars or by imprisonment not exceeding

* As amended by section 2, chapter 606, laws of 1896, and by section 3, chapter 459, laws of 1903.

thirty days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

*Section 5. Persons employing children unlawfully to be fined.—It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between fourteen and sixteen years of age who does not, at the time of such employment, present a certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such other officer as the school authorities may designate, certifying that such child during the school year next preceding his application for such certificate, has attended for not less than one hundred and thirty days the public schools, or schools having an elementary course equivalent thereto, in such city or district and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic; or to employ, in a city of the first class or a city of the second class, any child between fourteen and sixteen years of age who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the pre-academic certificate issued by the regents of the university of the state of New York or the certificate of the completion of an elementary school issued by the department of public instruction, unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities or such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the remainder of the current or calendar year, make

* As amended by section 4, chapter 459, laws of 1903.

up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than sixteen weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employes in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of fifty dollars, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

Section 6. Teachers' records of attendance.—An accurate record of the attendance of all children between eight and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such records shall, at all times, be open to the attendance officers or other persons duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

*Section 7. Attendance officers.—The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this act, and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this act within such city or school district; and the town board of each town shall appoint one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner's district such town is situated.

†Section 8. Arrest of truants.—The attendance officers may arrest without warrant any child between eight and sixteen years of age, found away from its home, and who then is a truant from instruction, upon which he is

* As amended by chapter 606, laws of 1896.

† As amended by section 4, chapter 606, laws of 1896.

lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child, or of a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment by him to a truant school as provided for in the next section. The attendance officer shall promptly report such arrest, and the disposition made by him of such child, to the school authorities of the said city, village or district where such child is lawfully required to attend upon instruction, or to such person as they may direct.

*Section 9. Truant schools.—The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between eight and sixteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto. Such authorities may provide for the confinement, maintenance and instruction of such children in such schools; and they, or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is sixteen years of age. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution. If the persons in parental relation to such child shall not consent to either such order, such conduct of the child shall be deemed disorderly conduct, and the child may be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction

*As amended by section 5, chapter 606, laws of 1896, and by section 8, chapter 459, laws of 1903.

otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institution, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend. The authorities committing any such child, and in cities and villages the superintendent of schools therein, shall have authority, in their discretion, to parole at any time any truant so committed by them. Every child suspended from attendance upon instruction by the authorities in charge of furnishing such instruction, for more than one week, shall be required to attend such truant school during the period of such suspension. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district. Industrial training shall be furnished in every such truant school. The expense attending the commitment and cost of maintenance of any truant residing in any city or village employing a superintendent of schools shall be a charge against such city or village, and in all other cases shall be a county charge.

*Section 10. Withholding the state moneys by state superintendent.—The state superintendent of public instruction may withhold one-half of all public school moneys from any city or district, which, in his judgment, willfully omits and refuses to enforce the provisions of this act, after due notice, so often and so long as such willful omission and refusal shall, in his judgment, continue; whenever the provisions of this act have been complied with, all moneys so withheld shall be paid over by said state superintendent to such city or district. The said state superintendent is hereby authorized and empowered to employ such assistants as he may deem necessary to properly carry this act into effect. He may remove such assistants from time to time and appoint their successors. He shall fix their salaries, and under his direction such assistants shall investigate the extent to which this act is complied within the cities and school districts of the state, and make such reports, and perform such other duties as the said superintendent shall determine. Such assistants shall be paid, in addition to their salaries, their necessary traveling and other expenses incurred in the discharge of their official duties, to be

*As amended by section 1, chapter 988, laws of 1895.

audited by the state superintendent. The sum of twelve thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, including payment of salaries, expenses, and blanks, to be paid upon the warrant of the comptroller on the order of the state superintendent of public instruction.

*Section 11. Chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four is hereby repealed.

Section 12. This act shall take effect January first, eighteen hundred and ninety-five.

Section 13. This chapter shall be known as title sixteen of the "Consolidated School Law."

[Chapter 988, laws of 1895, signed June 11, 1895, chapter 606, laws of 1896, signed May 13, 1896, and chapter 459, laws of 1903, signed May 7, 1903, each took effect immediately.]

* As amended by chapter 606, laws of 1896.

CHILD LABOR LAWS

CHAPTER 151, LAWS OF 1903

AN ACT TO AMEND THE LABOR LAW RELATING TO CHILDREN WORKING IN STREETS AND PUBLIC PLACES IN CITIES OF THE FIRST CLASS

Became a law, April 8, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by renumbering articles twelve and thirteen to be known as articles thirteen and fourteen respectively and by inserting therein a new article, to be known as article twelve, and to read as follows:

ARTICLE XII

EMPLOYMENT OF CHILDREN, IN STREET TRADES

Section 174. Prohibited employment of children in street trades.

175. Permit and badge for newsboys, how issued.

176. Contents of permit and badge.

177. Regulations concerning badge and permit.

178. Badge and permit to be surrendered.

179. Limit of hours.

179a. Violation of this article, how punished.

Section 174. Prohibited employment of children in street trades.—No male child under ten, and no girl under sixteen years of age shall in any city of the first class sell or expose or offer for sale newspapers in any street or public place.

Section 175. Permit and badge for newsboys, how issued.—No male child actually or apparently under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board

of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of ten years or upwards. No permit or badge provided for herein shall be valid for any purpose except during the period in which such proof shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined, approved and placed on file such proof the officer shall issue to the child a permit and badge.

Section 176. Contents of permit and badge.—Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend as the case may be and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the proof required by the preceding section has been duly examined, approved and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Section 177. Regulations concerning badge and permit.—The badge provided for herein shall be worn conspicuously at all times by such child while so working; and such permit and badge shall expire at the end of one year from the date of their issue. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first class as a newsboy, or shall sell or expose or offer for sale newspapers in any street or public place without having upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

Section 178. Badge and permit to be surrendered.—The parent, guardian, custodian or next friend, as the case may be, of every child to whom such permit and badge shall be issued shall surrender the same to the authority by which said permit and badge are issued at the expiration of the period provided therefor.

CHILD LABOR LAWS

Section 179. Limit of hours.—No child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers after ten o'clock in the evening.

Section 179a. Violation of this article, how punished.—Any child who shall work in any city of the first class in any street or public place as a newsboy or shall sell or expose or offer for sale newspapers under circumstances forbidden by the provisions of this article, must be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

Section 2. Nothing in this act contained shall be deemed or construed to repeal, amend, modify, impair or in any manner, affect any provision of the penal code or the code of criminal procedure.

Section 3. This act shall take effect September first, nineteen hundred and three.

CHAPTER 184, LAWS OF 1903

AN ACT TO AMEND THE LABOR LAW, RELATIVE TO THE EMPLOYMENT OF WOMEN AND CHILDREN IN FACTORIES

Became a law, April 15, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections seventy, seventy-one, seventy-two, seventy-three, seventy-six, of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter 32 of the general laws," are hereby amended so as to read as follows:

Section 70. Employment of Minors.—No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child.

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Section 71. Employment Certificate—How Issued.—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated, by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of the child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child farther has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health, and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Section 72. Contents of Certificate.—Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Section 73. School record, what to contain.—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of

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health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the school year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

Section 76. Registry of children employed.—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian.

Section 2. Sections seventy-seven and seventy-eight of said chapter as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine are hereby amended to read as follows:

Section 77. Hours of labor of minors and women.—No minor under the age of sixteen years shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day, or for more than nine hours in any one day. No minor under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day except to make a shorter work day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice, in a form which shall be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be

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employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons at work in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section of the law.

Section 78. Change of hours of labor of minors and women.—When in order to make a shorter work day on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the commissioner of labor in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employes thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor.

Section 3. Section seventy-four of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven is hereby repealed.

Section 4. The word custodian as used in this act shall include any person, organization or society having the custody of said child.

Section 5. This act shall take effect the first day of October, nineteen hundred and three.

CHAPTER 255, LAWS OF 1903

AN ACT TO AMEND THE LABOR LAW, RELATIVE TO THE EMPLOYMENT OF WOMEN AND CHILDREN IN MERCANTILE AND OTHER ESTABLISHMENTS

Became a law, April 24, 1903, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one

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hundred and seventy-two and one hundred and seventy-three of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," are hereby amended so as to read as follows:

Section 161. Hours of labor of minors.—No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, more than fifty-four hours in any one week, or more than nine hours in any one day, or before seven o'clock in the morning or after ten o'clock in the evening of any day. No female employe between sixteen and twenty-one years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upwards on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noon day meal of the employes of any such establishment.

Section 162. Employment of children.—No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any mercantile or other establishment specified in the preceding section, except that a child upwards of twelve years of age may be employed therein in villages and cities of the third class, during the summer vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be employed in any such establishment, unless an employment certificate issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

Section 163. Employment certificate; how issued.—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has

received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian of the child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child shall further have personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Section 164. Contents of certificate.—Such certificate shall state the date and place of birth of the child, and describe the color of hair and eyes and the height and weight and any distinguishing facial marks of such child, and that, the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Section 165. School record, what to contain.—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, has received during such period instruction

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in reading, spelling, writing, English grammar and geograghy and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian.

Section 166. Summer vacation certificate.—Children of the age of twelve years or more who can read and write simple sentences in the English language, may be employed, in mercantile and other establishments specified in section one hundred and sixty-one, in villages and cities of the third class during the summer vacation of the public schools in the city or school district where such children reside upon obtaining the vacation certificate herein provided. Such certificate shall be issued in the same manner, upon the same conditions, and on like proof that such child is twelve years of age or upwards, and is in sound health, as is required for the issuance of an employment certificate under this article, except that a school record of such child shall not be required. The certificates provided for in this section shall be designated summer vacation certificates, and shall correspond in form and substance as nearly as practicable to such employment certificate, and shall in addition thereto specify the time in which the same shall remain in force and effect which in no case shall be other than the time in which the public schools where such children reside are closed for a summer vacation.

Section 167. Registry of children employed.—The owner, manager or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birth-place, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian.

Section 172. Enforcement of article.—The board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within thirty days after the alleged offense was committed. All officers and members of such boards, or department, all health commissioners, inspectors, and other persons appointed or designated by such boards, departments or commissioners may visit and inspect at rea-

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sonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article.

Section 173. Copy of article to be posted.—A copy of this article shall be posted in three conspicuous places in each establishment affected by its provisions.

Section 2. This act shall take effect the first day of October, nineteen hundred and three.

PRISON LAW

CHAPTER 447, LAWS OF 1903

AN ACT TO AMEND THE REVISED STATUTES RELATING TO STATE PRISONS, RELATIVE TO THE BOARD OF CLASSIFICATION, AND TO CERTAIN OFFICERS

Became a law, May 7, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * * *

Section 2. Section one hundred and five of title two of chapter three of part four of the revised statutes relating to state prisons, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, as amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

Section 105. The superintendent of state prisons, and the superintendents of reformatories and penitentiaries, respectively, are authorized and directed to cause to be manufactured by the convicts in the prisons, reformatories and penitentiaries, such articles as are needed and used therein, and also such as are required by the state or political divisions thereof, and in the buildings, offices and public institutions owned or managed and controlled by the state, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the state prisons, reformatories and penitentiaries, and not required for use therein, shall be of the styles, patterns, designs and qualities fixed by the board of classification, and may be furnished to the state, or to any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisitions of the proper officials, trustees or managers thereof. No article so manufactured shall be purchased from any other source, for the state or public institutions of the state, or the political divisions thereof, unless said state commission of prisons shall certify that the same cannot be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

FIRE DRILL LAW

CHAPTER 201, LAWS OF 1901

AN ACT PROVIDING FOR FIRE DRILLS IN THE SCHOOLS OF THIS STATE

Became a law, March 27, 1901, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the State, having more than one hundred pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

Section 2. Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor punishable at the discretion of the court by fine not exceeding fifty dollars. Such fine to be paid to the pension fund of the local fire department where there is such a fund.

Section 3. It shall be the duty of the Board of Education or School Board or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

Section 4. The provisions of this act shall not apply to colleges or universities.

Section 5. This act shall take effect June first, nineteen hundred and one.

CHAPTER 230, LAWS OF 1874

AN ACT RELATIVE TO THE HEBREW ORPHAN ASYLUM

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * * *

Section 4. The trustees for the time being of said corporation shall have the sole and exclusive custody and control of the persons of such orphans, half-orphans or indigent children of the age not exceeding thirteen years, as they may agree to maintain, provide for, educate and instruct, during the minority of such orphans, half-orphans and indigent children, provided that, in respect to any orphan, its legal guardian, or nearest relative, or one of the governors of the Almshouse, and in respect to any half-orphans or indigent children, the parents or surviving parent or legal guardian, shall consent, in writing, to such child being maintained, provided for, educated and instructed by said society, or that such half-orphan or indigent child shall be committed to the care and custody of said society by any court, magistrate or police justice of the City of New York, in any case where such court, magistrate or police justice shall acquire jurisdiction under any law of this State; and in such case, such court, magistrate or police justice shall have the like power and authority, with the consent of said trustees, to commit to the care and custody of said corporation as can now be exercised in regard to any other public institution; and the said corporation can, by agreement, and transfer from every other institution having the legal custody of any orphan, half-orphan or indigent children, obtain the care and custody of such child or children in like manner as by such aforesaid consent or commitment, and the said trustees shall have the power and authority, on the arrival of any such orphan, half-orphan, or indigent child at the age of thirteen years and upwards, to bind them out to be taught and instructed in some necessary or useful employment, on such terms and restrictions, and to such persons and upon such conditions, as the said trustees may deem proper; and the said corporation is hereby vested, in respect to the persons of all such orphans, half-orphans and indigent children, with all the powers and authority conferred upon, and shall enjoy the same benefits, and receive for the care, education and maintenance of said orphans, half-orphans, and indigent children, the like compensation now paid, and in the manner as authorized by law, to the New York Juvenile Asylum by the Acts passed June thirtieth, eighteen hundred and fifty-one, passed July eighteen, eighteen hundred and fifty-three, passed April seventeenth, eighteen hundred and fifty-four, and passed March thirtieth, eighteen hundred and sixty-six, so far as they are applicable to this section.

CHAPTER 835, LAWS OF 1872

AN ACT RELATING TO THE NEW YORK SOCIETY FOR THE RELIEF OF THE RUPTURED AND CRIPPLED

The People of the State of New York, represented in Senate and Assembly,
do enact as follows:

* * * * *

Section 3. The school established and maintained by the above-named society for the education of crippled children, shall participate in the distribution of the common school fund, in the same manner and degree as the common schools of the City and County of New York.

CHAPTER 598, LAWS OF 1880

AN ACT TO CHANGE THE NAME OF THE "ASSOCIATION FOR BEFRIENDING CHILDREN" TO "THE ASSOCIATION FOR BEFRIENDING CHILDREN AND YOUNG GIRLS," AND IN RELATION TO SAID ASSOCIATION, AND TO PROVIDE FOR THE SUPPORT OF THE PERSONS CARED FOR BY SUCH ASSOCIATION

* * * * *

Section 4. The schools established and maintained by the said association shall participate in the apportionment and distribution of the moneys apportioned to the County of New York for the support and encouragement of common schools therein, and also of the moneys mentioned in the fifteenth section as it now stands amended, of an act to amend, consolidate and reduce to one act the various acts relative to the Common Schools of the City of New York, passed July third, eighteen hundred and fifty-one, as well as of the moneys mentioned in the sixteenth section, and in the first subdivision of the third section of said act, as the same now stands amended, in the same manner and degree as the Common or Public Schools of the City and County of New York, and shall be subject to the Board of Education of the City of New York, and shall report thereto as do the schools of the New York Juvenile Asylum, Hebrew Benevolent and Orphan Asylum Society, The Ladies' Home Missionary Society of the Methodist Episcopal Church, The American Female Guardian Society, and other (so-called) Corporate Schools.

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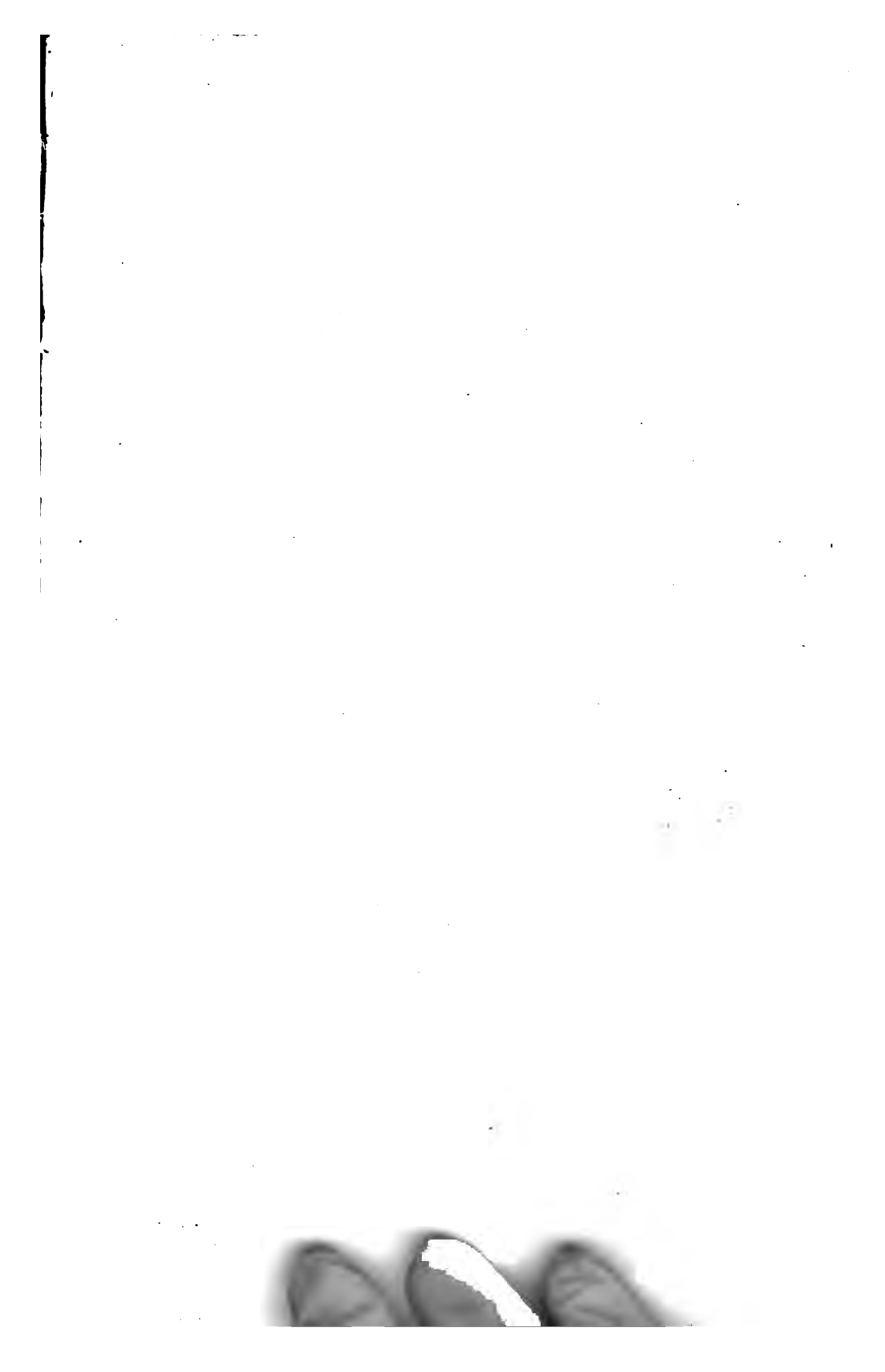
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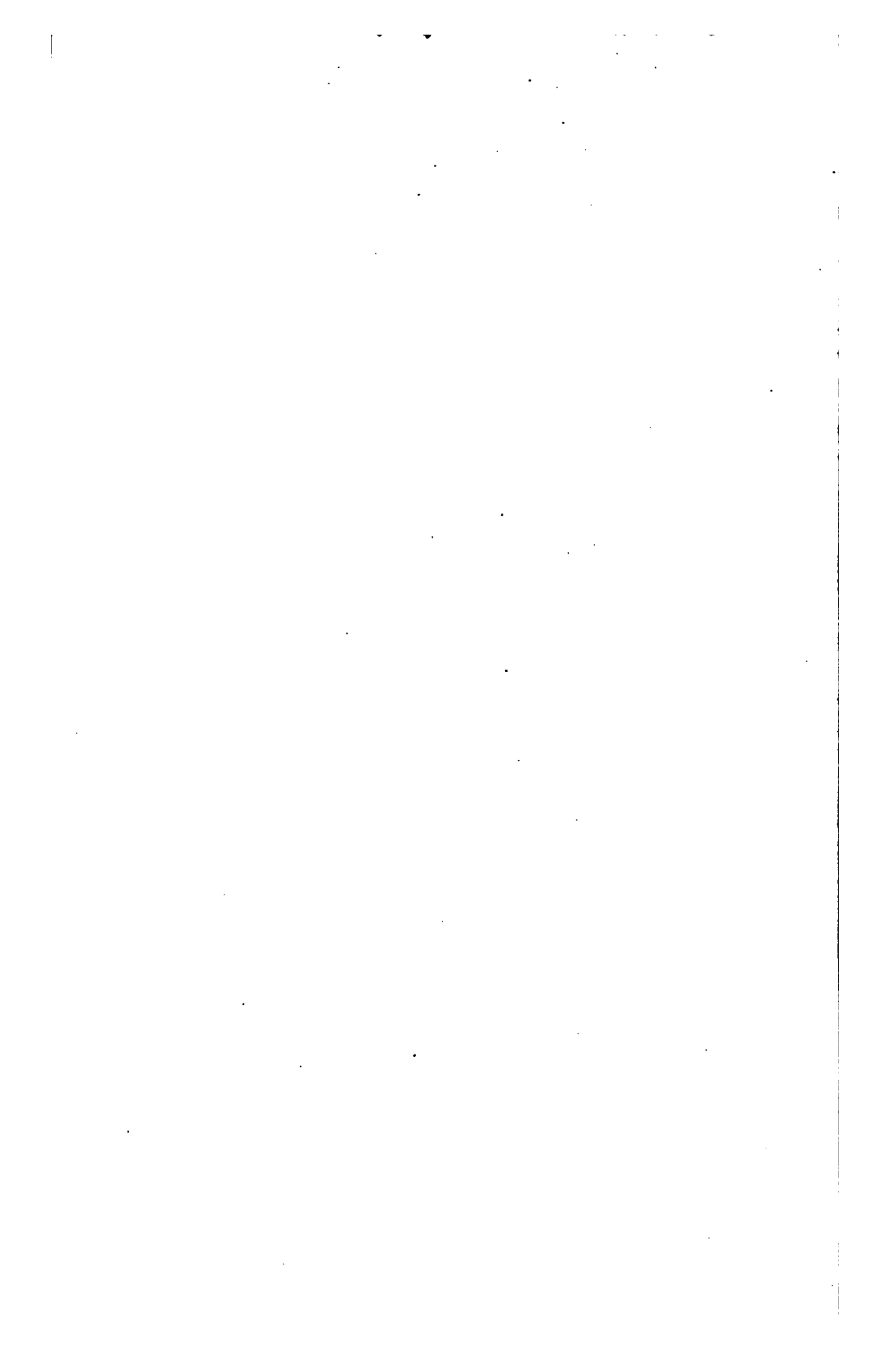
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